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**Intergovernmental negotiating committee
to prepare a global legally binding instrument
on mercury
Sixth session**
Bangkok, 3–7 November 2014

# Report of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury on the work of its sixth session

## I. Introduction

1. The intergovernmental negotiating committee to prepare a global legally binding instrument on mercury was established in accordance with section III of decision 25/5 of the Governing Council of the United Nations Environment Programme (UNEP). By that decision the Governing Council agreed to the elaboration of a legally binding instrument on mercury and asked the Executive Director of UNEP to convene an intergovernmental negotiating committee with the mandate to prepare it.

2. In accordance with its mandate the intergovernmental negotiating committee held five previous sessions, in Stockholm, from 7 to 11 June 2010; in Chiba, Japan, from 24 to 28 January 2011; in Nairobi, from 31 October to 4 November 2011; in Punta del Este, Uruguay, from 27 June to 2 July 2012; and in Geneva, from 13 to 18 January 2013. At its fifth session, the committee agreed on the text of a global legally binding instrument, the Minamata Convention on Mercury, for adoption by a conference of plenipotentiaries.

3. Upon invitation by the Government of Japan, and following the request of the Governing Council of UNEP in its decision 27/12, the Executive Director of UNEP convened the Conference of Plenipotentiaries on the Minamata Convention on Mercury in Kumamoto, Japan, on 10 and 11 October 2013. The Conference adopted the Minamata Convention on Mercury on 10 October 2013 and opened it for signature on 11 October 2013. The Conference also adopted a number of resolutions, including a resolution on arrangements in the interim period between the opening of the Convention for signature and its entry into force and a resolution on financial arrangements.

4. In paragraph 3 of the resolution on arrangements in the interim period, the Conference of Plenipotentiaries invited the Executive Director of UNEP "to convene such further meetings of the intergovernmental negotiating committee … during the period between the date on which the Convention is opened for signature and the date of the opening of the first meeting of the Conference of the Parties to the Convention as may be necessary to facilitate the rapid entry into force of the Convention and its effective implementation upon its entry into force". The Conference of Plenipotentiaries also assigned to the committee a number of tasks, as set out in paragraphs 5–8 of the resolution on interim arrangements and paragraphs 2, 3 and 6 of the resolution on financial arrangements.

5. The sixth session of the committee was held in accordance with paragraph 3 of the resolution on arrangements in the interim period to enable the committee to begin its work in accordance with paragraphs 5–8 of that resolution and paragraphs 2, 3 and 6 of the resolution on financial arrangements.

## II. Opening of the session (agenda item 1)

6. The sixth session of the intergovernmental negotiating committee was held at the United Nations Conference Centre, Bangkok, from 3 to 7 November 2014. The session began at 10.15 a.m. on Monday, 3 November, with Ms. Fatoumata Keita-Ouane, Head, Chemicals Branch, Division of Technology, Industry and Economics, UNEP, serving as master of ceremonies.

7. The committee observed a minute of silence to mark the passing of Mr. Michael Chilufya Sata, President of Zambia, as well as Ms. Soledad Blanco of the European Commission and Mr. Matthew Gubb of UNEP, former coordinator of the mercury negotiations, who had contributed greatly to the development of the Minamata Convention.

8. Mr. Fernando Lugris, speaking in his capacity as Chair of the committee and as the representative of Uruguay, one of the seven countries that had to date deposited instruments of ratification or acceptance of the Convention, then welcomed the participants to the session, following which opening remarks were made by Mr. Suphot Tovichakchaikul, Deputy Permanent Secretary, Ministry of Natural Resources and Environment of Thailand, Mr. Ibrahim Thiaw, Deputy Executive Director of UNEP, and Ms. Naoko Ishii, Chief Executive Officer and Chairperson of the Global Environment Facility (GEF). Following Ms. Ishii's remarks the participants viewed a short video produced by GEF on the adoption of the Convention and the need for its rapid entry into force. Opening statements were also made by representatives of Gabon, Guinea and the United States of America, three of the seven countries that had deposited their instruments of ratification or acceptance.

9. Calling the current session of the committee a historic occasion, Mr. Lugris recalled the key accomplishments at each of the five preceding sessions of the committee and highlighted the critical roles in their success played by multilateral diplomacy, non-governmental organizations, scientists, the academic community, international financial institutions and the regional centres of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants.

10. He underlined his country's strong commitment to environmental issues and in particular the Minamata Convention, which Uruguay had been among the first to ratify. The Minamata Convention, the "Happy Convention" in the words of Mr. Achim Steiner, UNEP Executive Director, was not just another multilateral environmental agreement, but a true convention for sustainable development whose implementation would require input from all sectors, including labour, human rights, mining, other industries and many others, and that incorporated lessons learned from other conventions. The negotiation of the Convention had been unique and served as an example for other negotiations on the environment and sustainable development. He also highlighted GEF support for efforts to deal with mercury, including through the Convention, and said that ties with GEF should continue to be strengthened.

11. Despite the success of adopting the Convention, at the current juncture new champions were needed to ensure its swift and effective implementation at the national level to reduce releases and emissions of mercury that continued at unacceptable levels. He therefore called on all concerned to redouble efforts both to conclude the work required to implement the Convention and to support the great range of other activities on mercury being carried out by the UNEP Global Mercury Partnership and other actors across the globe.

12. In his statement, Mr. Tovichakchaikul welcomed participants on behalf of the Government of Thailand, saying that his country attached high priority to reducing intentional use of mercury and to promoting sound management of mercury wastes. Thailand had been working closely with international partners on the development and negotiation of the Minamata Convention, which it considered crucial to further strengthening international commitment on the reduction and elimination of mercury pollution. Thailand had established a national subcommittee on the Minamata Convention to support implementation of the Convention and was undertaking a preparatory study in order to assess its institutional and legal infrastructure and to identify gaps and actions needed prior to ratification. Awareness-raising activities, stakeholder consultations and public hearings had been conducted as part of the study process. A project on ratification and early implementation would begin at the end of the year with the technical and financial support of the United Nations Institute for Training and Research (UNITAR) and the Government of Switzerland.

13. The current session would be a challenging one that would facilitate entry into force of the Convention, in particular through provisions on the registration of exemptions and mercury import consents and guidelines on the environmentally sound management of mercury, which would be critical to its effective implementation upon its entry into force. The session would also be a good opportunity to update progress on intersessional work since the Conference of Plenipotentiaries, exchange good practices and discuss the ratification and entry into force of the Convention. It would also be important to develop clear public communications on mercury management. He expected the current meeting to be fruitful and the committee to achieve its intended outcomes.

14. In his statement, the Deputy Executive Director noted that, although fish were a fundamental part of the human diet, many doctors recommended that certain types of fish be avoided owing to their high mercury content; that logic should be reversed, he said, by fighting to reduce the mercury releases and emissions that caused pollution and directly affected health and livelihoods. The adoption of the Minamata Convention had been a momentous step, and the committee at the current meeting would provide the tools needed to strengthen it and rapidly make it operational. Commitment to dealing with mercury was strong. Many countries continued their efforts to combat the global, regional and national threats posed by mercury pollution. Commitment to the Convention was equally strong, as evidenced by the Special High-level Event for the signature and ratification of the Minamata Convention on 24 September 2014, which had resulted in six new ratifications of the Convention and a further 24 signatories. He congratulated the countries that had deposited their instruments of ratification or acceptance – Djibouti, Gabon, Guinea, Guyana, Monaco, the United States and Uruguay – and thanked the 128 States and regional economic integration organizations that had thus far signed the Convention.

15. Turning to the resources required to implement the Convention, he said that it was not possible to overemphasize the importance of consolidating the resource base for assisting countries in the implementation of conventions and other activities to protect human health and the environment, and he expressed confidence that the special programme to support institutional strengthening at the national level for implementation of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention, the Minamata Convention and the Strategic Approach to Chemicals Management established by the United Nations Environment Assembly at its first session would play an important role in that regard. He thanked Ms. Ishii, as Chief Executive Officer and Chairperson of GEF, for her efforts to strengthen the chemicals and waste cluster and to ensure that the Minamata Convention had a stable and sound financial mechanism, and he thanked those countries that had provided financial and technical support for the intergovernmental negotiating committee and called for additional resources to assist developing countries and countries with economies in transition.

16. Noting that mercury was considered by the World Health Organization (WHO) to be one of the top ten chemicals of major public health concern, he closed by inviting countries to expedite their ratification of the Convention, expressing the hope that the current meeting would result in all kinds of fish being safe to eat, in clean air and in the use of products that were free of mercury.

17. In her remarks, Ms. Ishii recalled the tragic effects of mercury disease suffered at Minamata and thanked all those who had joined the global effort to protect the planet from the harmful effects of mercury. GEF would continue to provide financial and technical assistance to developing countries and countries with economies in transition; it had allocated $141 million from the sixth replenishment of its trust fund to help countries to prepare for ratification, in addition to the assistance that it had already provided to twenty-five countries. GEF was building knowledge and experiences that it would share and collecting implemented solutions that could be transferred to other countries. GEF wanted to work closely with parties to develop strategic programmes and to seek multiple benefits by working across sectors, including in the areas of biodiversity, land degradation, climate change and energy use, to achieve sustainable development, and since mercury was used in numerous manufacturing processes it would be critical to include the private sector in efforts to implement the Convention. In closing, she encouraged all to be part of a global community that would rid the world of mercury.

18. As one of the representatives of countries that had already deposited instruments of ratification or acceptance, the representative of Gabon said that his country prioritized protection of the environment and was accordingly party to a number of international and regional treaties aimed at combatting chemical pollution, the provisions of which had been codified in national laws on sustainable development and protection of the environment. Gabon had received a bronze award from the Mercury Club of UNEP for its contribution to the organization of the second session of the intergovernmental negotiating committee. Gabon was committed to implementing the treaty but needed GEF support for its efforts to strengthen its human resources; conduct scientific studies;

manage waste and equipment and sites containing or contaminated by mercury; manage artisanal and small-scale gold mining; and gain access to alternative products.

19. The representative of Guinea said that ratification of the Convention was a logical step following the tough negotiation and signature of the Convention and that without the support that it had received throughout the negotiations it could not have reached that stage. Guinea had prioritized protection of public health and the environment, without which there could be no future, but needed technical and financial assistance to enable it to achieve its goals. It encouraged other countries to ratify the Convention and was ready to share its experience with its own ratification.

20. The representative of the United States lauded the constructive negotiations by countries, non-governmental organizations, industry and others that had led to the adoption of the Convention, which addressed most significant sources of transboundary mercury pollution through clear and ambitious measures that allowed for flexibility in national implementation. While it was a moment to celebrate, there was yet much to do, and the true measure of the Convention's impact would lie in national measures to implement it. Happily, many countries had already begun to put such measures in place. He expressed satisfaction at the continued role of GEF, noting funds both set aside and already available, and at the role of UNEP in facilitating the negotiations, as the interim secretariat and beyond. Outlining measures that his country had taken to reduce mercury pollution and expressing confidence in the commitment of other parties, he pledged his country's willingness to work towards the first meeting of the Conference of the Parties and the effective implementation of the Convention.

# III. Organizational matters (agenda item 2)

## A. Attendance

21. Representatives of the following States participated in the session: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Guatemala, Guinea, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Latvia, Lebanon, Lesotho, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Serbia, Singapore, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, State of Palestine, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

22. The following United Nations bodies and specialized agencies were represented: Global Environment Facility, Office of the High Commissioner for Human Rights, United Nations Industrial Development Organization, United Nations Institute for Training and Research, World Health Organization.

23. The following intergovernmental organizations were represented: African Union Commission, European Union, League of Arab States, South-Asia Cooperative Environment Programme.

24. The following multilateral environmental agreement secretariats were represented: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Stockholm Convention on Persistent Organic Pollutants.

25. A number of non-governmental organizations were represented. Their names may be found in the list of participants, which is set out in document UNEP(DTIE)/Hg/INC.6/INF/11.

## B. Adoption of the agenda

26. The committee adopted the following agenda on the basis of the provisional agenda (UNEP(DTIE)/Hg/INC.6/1):

1. Opening of the session.
2. Organizational matters:

(a) Adoption of the agenda;

(b) Organization of work.

(c) Bureau issues.

3. Work to prepare for the entry into force of the Minamata Convention on Mercury and for the first meeting of the Conference of the Parties:

(a) Items necessary for the effective implementation of the Convention upon its entry into force;

(b) Matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting;

(c) Items to be adopted by the committee on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting;

(d) Activities to facilitate rapid entry into force of the Convention and its effective implementation upon entry into force.

4. Report on activities of the interim secretariat during the period before entry into force of the Convention:

(a) Activities at the regional and country levels to support implementation;

(b) Cooperative activities with other relevant actors;

(c) Funding for the secretariat and activities.

5. Other matters.

6. Adoption of the report.

7. Closure of the session.

## C. Organization of work

27. In accordance with a proposal from the Chair following consultations with the Bureau, the committee decided that it would meet from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. each day and that small groups would be established as necessary. The committee also decided that such groups would operate in English only and, taking into account the needs of small delegations, that no more than two such groups would meet at the same time.

28. The committee also decided to organize its work in accordance with a proposal by the chair in his scenario note (UNEP(DTIE)/Hg/INC.6/2) and as explained in the annotations to the agenda (UNEP(DTIE)/Hg/INC.6/1/Add.1), including with regard to the order in which it would take up the items on its agenda. Thus the committee decided, among other things, that in discussing agenda item 3 it would take up sub-items 3 (a)–3 (c) together and would discuss them in terms of how they pertained to each article of the Convention, proceeding article by article. It would then take up sub-item 3 (d), again discussing it in terms of how it pertained to each article of the Convention and proceeding article by article.

## D. Bureau issues

29. The Chair announced that Mr. John Thompson (United States), Ms. Abiola Olanipekun (Nigeria) and Ms. Katerina Sebkova (Czech Republic) would not be able to continue to serve as members of the Bureau and that their respective regional groups had nominated the following individuals to replace them: Ms. Sezaneh Seymour (United States), Mr. David Kapindula (Zambia) and Mr. Alojz Grabner (Slovenia).

30. The committee confirmed the nominations and welcomed the three new Bureau members.

## E. General statements

31. Following agreement on the organization of work the Chair invited general statements on the work to be undertaken during the current session and, in particular, on progress made towards ratification of the Convention. Statements on behalf of regional groups of countries were made first, followed by statements by representatives of individual countries, intergovernmental organizations and non-governmental organizations.

32. The representative speaking on behalf of the European Union and its member States commended those who had ratified the Minamata Convention and said that the European Union had

launched a process to adapt its legislation to enable the ratification and implementation of all provisions of the Convention. The committee had before it the challenging task of developing, and in some cases adopting on a provisional basis, a large number of guidance and other documents to facilitate the effective implementation of the Convention upon its entry into force, and the European Union was fully committed to making progress on all agenda items of the current session.

33. The representative speaking on behalf of Asian and Pacific States said that they fully supported the early entry into force and effective implementation of the Minamata Convention but that much work remained to be done to fulfil the goals of the Convention. The region expected intensive discussion of items for possible adoption on a provisional basis at the current session.

34. The representative speaking on behalf of African States commended the seven countries that had ratified the Minamata Convention, three of which were in Africa. He requested the interim secretariat to make a presentation to the African Ministerial Conference on the Environment to promote additional ratifications of the Convention and called for further efforts to support early implementation of the Convention in Africa, including by ensuring that all documents to be developed under the Convention, including the guidance on best available technologies and best environmental practices, were clear and user friendly; by raising stakeholder awareness of, and building national capacities to implement, the Convention; by supporting activities in the artisanal and small-scale gold mining sector; and by working towards the simplification of GEF procedures to facilitate access to GEF funding by African countries.

35. The representative speaking on behalf of Latin American and Caribbean States said that those States were working on, among other things, measures to control the use of mercury in mining and to develop mercury-related national programmes and inventories; in addition, many were in the advanced stages of the ratification process. In order to facilitate ratification and early implementation of the Convention in the region, it was important that further regional workshops to facilitate the exchange of experiences be held and that adequate resources, capacity-building and technical assistance be provided, including through the mechanism to be established under Article 13 of the Minamata Convention, which, she emphasized, should be distinct from and complementary to the special programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management.

36. The representative speaking on behalf of Central and Eastern European States said that nearly all the countries in the region had signed the Minamata Convention and were well advanced in its ratification; it was necessary that as many countries as possible ratify and implement the Convention, given that mercury was a global problem. Much work remained to be done to promote the early implementation of the Convention and the countries in the region stood ready to ensure that the current session was a success.

37. Statements were then made by representatives of individual countries.

38. Many of the representatives who spoke said that their countries were working towards the ratification of the Convention and several described their efforts to implement its provisions during the interim period. Two representatives outlined the support provided by their countries for the ratification and early implementation of the Convention in developing countries, with one saying that his Government was ready to do more to share its technologies and experience in order to reduce mercury exposures within one generation.

39. Three representatives expressed support for synergies with the chemicals and waste conventions and called on the interim secretariat of the Minamata Convention to continue to work with the Secretariat of the Basel, Rotterdam and Stockholm conventions to take advantage of its experience, as well as that of the regional centres of the Basel and Stockholm conventions.

40. One representative said that the special programme to support institutional strengthening at the national level offered a unique opportunity to facilitate access to financing for the effective implementation of the Minamata Convention and to create synergies with the chemicals and waste agreements. Another representative said that secure, dedicated financial resources were required for the implementation of the Minamata Convention. One representative said that the issue of financing should be solved at an early stage, while another called for greater coordination between developed and developing countries to promote capacity-building, research, monitoring and technology transfer.

41. One representative said that GEF co-financing requirements were too ambitious and needed to be revised. Another welcomed the close involvement of GEF in supporting the ratification and early implementation of the Convention.

42. One representative called on UNEP to ensure that the guidance on best available techniques and best environmental practices to be developed under the Minamata Convention considered the economic viability of implementing such techniques and practices in developing countries and expressed the hope that guidance on mercury storage would incorporate case studies and realistic approaches that countries could implement. He also emphasized the relevance of the principle of state sovereignty and, with two other representatives, the principle of common but differentiated responsibilities with regard to the implementation of the Minamata Convention.

43. Mr. Atle Frettheim (Norway), speaking in his capacity as Chair of the Partnership Advisory Group, outlined the work of the Global Mercury Partnership and its role in the implementation of the Minamata Convention through information exchange, technical assistance and scientific and technical support and invited representatives to join the Partnership.

44. Representatives of intergovernmental organizations also made statements. The representative of UNITAR said that her organization, with financial support from Switzerland, had initiated a global project to support 15 countries in 2014–2015 to accelerate ratification of the Minamata Convention and to identify national priorities for its early implementation. Activities had started in Jordan, Mongolia, Nigeria, the Philippines, Senegal, Uruguay and Zambia. All activities supported by UNITAR on the Minamata Convention were implemented in close coordination with the Inter-organization Programme for the Sound Management of Chemicals (IOMC).

45. The representative of the World Health Organization (WHO) said that in May 2014 the sixty-seventh World Health Assembly had welcomed the formal adoption of the Minamata Convention and had adopted resolution WHA67.11, entitled "Public health impacts of exposure to mercury and mercury compounds: the role of WHO and ministries of public health in the implementation of the Minamata Convention", which encouraged WHO member States to participate actively in implementing the Convention and to ensure close cooperation between ministries of health and ministries of environment in that regard (UNEP(DTIE)/Hg/INC.6/INF/4). WHO had already commenced its work in response to resolution WHA67.11, for example by developing advice to ministries of health on actions needed on mercury thermometers and sphygmomanometers and guidance on the development of public health strategies for artisanal and small-scale gold mining.

46. The United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes also made a statement, saying that he had been mandated by the United Nations Human Rights Council to monitor the adverse impacts of hazardous substances and wastes around the world and to report to the Council on the matter. In 2011 the Council had expanded that mandate to examination and monitoring of the human rights impacts of the full life cycle of hazardous substances, from extraction to final disposal. Urging States that had not yet ratified the Convention to expedite the process for doing so, he said that mercury pollution threatened numerous human rights, including the right to non-discrimination given its disproportionate adverse impact on vulnerable populations.

47. The representative of the United Nations Industrial Development Organization (UNIDO) said that his organization was an active member of the Global Mercury Partnership and had participated fully in the intergovernmental negotiating committee process. UNIDO was implementing a number of projects with GEF funding on matters such as artisanal and small-scale gold mining, industrial mercury waste and emissions from non-ferrous smelting. GEF had announced additional funds to support early action aimed at ratification, including through implementation of Minamata Convention initial assessment projects at the national level, and UNIDO was actively collaborating with other implementing agencies in their development. UNIDO was also working with other partners on a range of mercury-related activities, including development of national action plans on artisanal and small-scale gold mining.

48. The representative of the South Asia Cooperative Environment Programme (SACEP) said that the subregional organization, comprising Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, worked towards the protection, management and enhancement of the environment in South Asia. SACEP had identified several areas where it could assist in the ratification and implementation of the Minamata Convention, including through assistance with capacity-building and regional cooperation.

49. Several representatives of non-governmental organizations then made statements. One representative said that his organization had prepared a ratification and implementation manual that sought to simplify the Convention's terms and obligations. He said that the prime challenge at the current session was how best to translate the Convention's requirements into effective monitoring, reporting and actions resulting in measurable reductions in global mercury use, trade and emissions. Attention should also be given to ensuring that the results could be effectively evaluated to determine

compliance, ensure accountability and enhance the interest of donors. Another representative said that naming the Convention after Minamata created an ethical and moral responsibility for all Governments to move swiftly towards ratification and echoed the call made by Minamata disease victims' groups that measures be undertaken to ensure that mercury pollution would never again harm human health. In that regard, the identification and management of contaminated sites remained a critical issue, and he urged that particular attention be given to Article 16 on health aspects. His organization, he concluded, had recently launched a programme to support enabling activities in line with the Convention, with assistance from several donors.

50. Another representative, advocating mercury-free dentistry, said that in countries where mercury-containing amalgams had been eliminated a number of useful approaches had been adopted, including fixing national targets; promoting mercury-free dental work, for example through updating curricula in dental schools; modifying insurance programmes; and eliminating the use of mercury amalgams in children and pregnant women. Another representative said that many people were still being exposed to elemental mercury through dental fillings and ethyl mercury from vaccines, even though mercury-free alternatives existed. Another representative said that he was gratified to see the Minamata Convention adopt the phase-down approach to dental amalgam advocated by his organization and others, which would allow the dental profession continued access to mercury as a key restorative material. Measures to support the phase-down included research on new dental materials, effective management of amalgam waste and reduction of the need for restorative dental care through education and prevention of caries.

# IV. Work to prepare for the entry into force of the Minamata Convention on Mercury and for the first meeting of the Conference of the Parties (agenda item 3)

51. As indicated above in section III. B., on the organization of the work of the current session, the committee decided that it would take up agenda items 3 (a) (Items necessary for the effective implementation of the Convention upon its entry into force), 3 (b) (Matters required by the Convention to be decided upon by the Conference of the Parties at its first meeting) and 3 (c) (Items to be adopted by the committee on a provisional basis pending formal adoption by the Conference of the Parties at its first meeting) together and discuss them in terms of how they pertained to each article of the Convention, proceeding article by article, and that it would then take up item 3 (d) (Activities to facilitate rapid entry into force of the Convention and its effective implementation upon entry into force), again discussing it in terms of how it pertained to each article of the Convention and proceeding article by article.

## A. Agenda items 3 (a)–3 (c)

### 1. Article 3: Mercury supply sources and trade

52. Introducing the sub-item, the representative of the secretariat drew attention to four documents of relevance to Article 3. The first contained a draft proposal on the provision of written consent or general notification for the import of mercury under the Minamata Convention on Mercury (UNEP(DTIE)/Hg/INC.6/3) and the others presented proposals on the register of notification of consent to import mercury (UNEP(DTIE)/Hg/INC.6/4), the required content for the certification to be provided for import by a non-party (UNEP(DTIE)/Hg/INC.6/5) and the factors that might be considered in the identification of stocks of mercury or mercury compounds (UNEP(DTIE)/Hg/INC.6/9). For the first three documents, the committee was invited to consider and adopt the proposals on a provisional basis, pending a formal decision at the first meeting of the Conference of the Parties. For the fourth, it was requested to determine whether the factors listed formed the basis for the development of draft guidance for consideration by the committee at its seventh meeting.

53. The committee was then invited to comment on the information provided in the presentation. Responding to the various comments and suggestions, the representative of the secretariat said that it was important for each party, in order to enable the exchange of information on the consent of importing parties under Article 3, to designate an individual within a relevant government department or institution to serve as its focal point, as required by paragraph 4 of Article 17, regardless of whether he or she acted in an institutional or personal capacity. On the issue of confidentiality, she said that it was important to bear in mind that much of the commercial information provided might come from countries that were not party to the Convention or subject to its provisions. As for the suggestion that the Convention should include a provision preventing non-parties from exporting mercury imported

from parties, she said that imports from exporting non-parties would be covered, inter alia, by the requirement under Article 3 to certify that mercury did not come from an unpermitted source.

54. The representative of the United States then introduced a conference room paper proposing two separate forms for the provision of written consent for the import of mercury, one for parties and one for non-parties. The two forms would replace the single form proposed by the secretariat. In addition, the conference room paper contained another form for non-party certification of the source of mercury to be exported to a party, in which non-parties would be required to certify, in conformity with paragraph 8 of Article 3, that mercury to be exported did not come from primary mercury mining and was not excess mercury from chlor-alkali facilities. Lastly, the paper presented a form for the provision of a general notification of consent to import that would provide the secretariat with key information for a registry that met the obligations of the Convention.

55. In the ensuing discussion, general appreciation was expressed for the documents prepared by the secretariat, which were considered a good starting point for further discussion in a technical contact group. Many representatives echoed those sentiments when commenting on the proposed forms submitted by the United States, with one expressing a preference for them as a starting point. Two representatives called for more time to examine the latter forms.

56. In regard to the secretariat's documents, one representative, speaking on behalf of a group of countries, said that countries needed further elements, including general guidance on how to apply paragraphs 5 (a), 6 and 8 of Article 3, to control trade in mercury and ensure that the supply of mercury was consistent with the Convention; he furthermore suggested that, in the interests of consistency, all of the proposals submitted for adoption on a provisional basis should be adopted as a single complete set. Another representative said that it was important, in developing the guidance, to avoid being distracted by less pressing issues pertaining to the implementation of Article 3, such as assessing the demand for mercury within a particular country. Another said that it was equally important to remain within the scope of the treaty and to avoid introducing new obligations.

57. On the provision of written consent or general notification regarding the import of mercury, two representatives said that a clear and detailed prior informed consent procedure was crucial to controlling the supply and shipment of mercury and that the development of such a procedure should draw on experience under the Basel and Rotterdam conventions. One said that such a procedure would, among other things, help to verify that imported mercury was used for its stated purposes and, the other, that importing parties should also explicitly consent to imports; a more detailed format for general notification, the latter added, could assist countries in adapting that format to their specific needs and circumstances.

58. Two representatives of non-governmental organizations said that it was equally important to elicit written consent from exporters. One of them said that the forms for giving such consent should provide the information that importing countries needed to ensure compliance with the Convention and to determine whether imports were appropriate for their domestic circumstances. The other said that such information was crucial in the light of the new, mostly invisible, trade hubs that had emerged as a result of recent mercury export bans, adding that exporting countries should also be required to identify transit countries; that data on all export and import notifications submitted to the secretariat should be made publicly available; and that Governments should share relevant regulations on mercury imports, exports and trade in their respective countries.

59. Regarding the proposed list of factors to be considered in the identification of stocks of mercury or mercury compounds, one representative, speaking on behalf of a group of countries, suggested that guidance should be developed for the provision of data on the amounts of mercury stocked or generated, adding that registered exemptions relevant to identification should be taken into account. Echoing that suggestion, another representative said that it would be useful to clarify the guidelines and requirements for the interim storage of mercury, which could be considered stocks, and that since GEF would be supporting many parties in the initial collection of data, the resulting guidance document, once finalized by the committee, should be made available to GEF. Another representative, however, saying that available funding remained limited, cautioned against establishing an over-elaborate arrangement as it would be counter-productive to place too great a burden on sovereign parties; another said that it was important to bear in mind the additional difficulties that developing countries would face in procuring the necessary technological capacity. One representative said that the first priority must be to meet the specific requirements in the Convention to provide and exchange information in the context of trade and that the various forms for that purpose must be clear and practical for parties and non-parties alike.

60. The committee decided to establish a technical contact group, co-chaired by Ms. Jimena Nieto (Colombia) and Mr. Karel Blaha (Czech Republic) to review and, where necessary, amend the guidance prepared by the secretariat on the implementation of Article 3 of the Convention. It would focus on the actions required of parties and non-parties under paragraphs 6 and 8 of Article 3, the format for providing information, as proposed by the secretariat and by the United States, the list of factors to be considered in the identification of stocks of mercury or mercury compounds, and any additional issues, including issues under paragraph 12 of Article 3.

61. At a subsequent session, the co-chair of the technical contact group introduced a conference room paper containing a set of four draft forms: the first two for the provision of written consent to import mercury, to be completed by parties and non-parties, the third for certification by an exporting non-party on the source of mercury to be exported to a party, and the fourth for general notification of consent to import mercury. The representative of the secretariat introduced a minor editorial change, the need for which had been noted during the preparation of the conference room paper.

62. The committee adopted the draft reporting forms on a provisional basis, pending possible adoption by the Conference of the Parties at its first meeting. The forms as adopted on a provisional basis are set out in annex I to the present report.

63. The committee also decided that the contact group should continue its discussions, seeking to identify elements to be included in a document to be prepared by the secretariat for its consideration at its seventh meeting on additional matters necessary to be addressed for the implementation of Article 3 of the Convention, including the question of the relationship between mercury stocks (Article 3) and interim storage of mercury (Article 10).

64. Subsequently, the co-chair of the contact group reported that the members of the group had agreed that the secretariat should prepare draft guidance, based on elements agreed by the contact group and set out in a conference room paper, to assist parties in completing the forms developed under Article 3, as well as guidance on identifying mercury stocks and sources of mercury supply generating stocks pursuant to paragraph 5 (a) of Article 3, based on submissions received, both for consideration by the committee at its seventh session. In relation to additional elements within the guidance referred to in paragraph 12 of Article 3 not described above, Governments and other relevant actors were invited to provide submissions to the secretariat, including on whether such additional guidance was needed.

65. Based on the report of the contact group co-chair, the committee agreed:

(a) That the secretariat should prepare, for consideration by the committee at its seventh session, the first section of draft guidance, which would assist parties in completing the forms required under Article 3, with such guidance to include the following elements:

(i) Clarification of the scope of Article 3, i.e., what is not covered, namely, mercury wastes (Article 11) and products (Article 4);

(ii) Which form should be used in which circumstance;

(iii) Clarification of the information to be provided in each section;

(iv) Role of the registers and how to use them;

(v) Where to obtain the forms;

(vi) How to transmit the forms;

(b) That the secretariat should prepare, for consideration by the committee at its seventh session, the second section of draft guidance, which would cover the identification of individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks exceeding 10 metric tonnes per year, pursuant to paragraph 5 (a) of Article 3, based on submissions to be requested from Governments and other relevant actors, drawing on the factors suggested in document UNEP(DTIE)/Hg/INC.6/9;

(c) That the secretariat should invite submissions from Governments and other relevant actors regarding whether there were any additional elements within the guidance referred to in paragraph 12 of Article 3 not covered by either the guidance on the forms or that for stocks. Governments and other relevant actors were invited to send submissions to the secretariat, including on whether such additional guidance was needed, and the nature of that guidance, and the secretariat should make those submissions available on the Minamata Convention website.

## 2. Article 6: Exemptions available to a Party upon request

66. Introducing the item, the representative of the secretariat said that three documents of relevance to the issue were before the committee: a draft proposal on the format for registering exemptions (UNEP(DTIE)/Hg/INC.6/6); a draft proposal on information to be supplied when registering an exemption (UNEP(DTIE)/Hg/INC.6/7); and a draft proposal on the register of exemptions to be maintained by the secretariat, including information on the maintenance of information supplied upon becoming a party (UNEP(DTIE)/Hg/INC.6/8). The committee was invited to consider and adopt the proposals in the three documents on a provisional basis, pending a formal decision at the first meeting of the Conference of the Parties.

67. The representative of the United States submitted a conference room paper on issues under Article 6 of the Convention. Noting that the secretariat had proposed an exemption notification form that could be used for products listed in Annex A to the Convention and for processes listed in Annex B to the Convention, and had separately proposed guidance for the information that should be provided in a statement explaining a party's need for an exemption, she said that the two separate documents could be combined into one form with two sections, one for products and one for processes. In addition to combining the documents, the conference room paper presented additional suggestions to improve their clarity, as well as some proposed changes to the form for the register of exemptions to be maintained by the secretariat. It was particularly important, she said, that the statement explaining a party's need for an exemption be presented as provided by the party.

68. In the ensuing discussion, a number of representatives said that the conference room paper submitted by the United States was a useful addition to the documents prepared by the secretariat and provided a good basis for further discussion. One representative said that it would be important to find the right balance to ensure that the form for exemptions was both useful to parties and included the information required to explain the need for an exemption. He said that each submitted form should be accompanied by a detailed statement explaining the submitting party's need for an exemption and that the statement should be an integral part of the public register. Another representative said that it was not helpful to suggest what countries should include in their explanatory statements, as there were no specific criteria in the Convention for justifying an exemption. Exemptions would be put in place as a general measure of flexibility to allow more time for parties to comply with their obligations according to particular national circumstances, and it was those that should be explained in the statement. Another representative said that there was a need for simplicity and clarity in relation to exemptions, with clear rules regarding the submission of a statement of notification and the period of exemption; a registry that was simple and easy for all users to understand; and draft formats that involved minimal paperwork and did not require lengthy submissions.

69. On the duration of exemptions, several representatives said that it should not be taken for granted that exemptions were for the full period of five years and that the form to be completed should specify the period for which an exemption was requested. One representative asked if there was a link between the duration of an exemption and the quantity of mercury-added products imported by a party. He also asked if there was any room for manoeuvre in the exemption period if problems arose requiring its extension. One representative said that the requirement to prepare a plan of action for the phase-out of certain exemptions would require appropriate and timely assistance from the secretariat.

70. Several representatives said that care should be taken in the format of the annex listing mercury-added products, with subcategories clearly differentiated from one another on separate lines to avoid the misconception that exemptions could apply to all items in a particular category.

71. Some representatives said that the Stockholm Convention provided a good model for the exemption provisions under the Minamata Convention, although one said that there had been considerable progress since the Stockholm Convention was drafted and that careful consideration needed to be given to the value of using any particular model.

72. Following the discussion, the committee decided to refer the matter to the technical contact group for further consideration. The Chair requested the contact group to take into consideration all comments made in the discussion in plenary as well as the relevant pre-session documents and the conference room paper submitted by the United States. The contact group would review the proposed format for registering exemptions, considering whether the level of information was appropriate and whether additional issues should be covered in the document for registering an exemption; the proposal on information to be supplied when registering an exemption, considering whether there was any need for additional information or whether the information required could be simplified; and the proposal on the registry of exemptions to be maintained, making any recommendations for amending the proposal.

73. The co-chair of the contact group on technical issues subsequently presented for the committee's consideration a conference room paper prepared by the contact group co-chairs that he said had been based on the conference room paper submitted by the United States and set out the outcome agreed by the group in relation to Article 6 of the Minamata Convention.

74. He explained that the agreed outcome included two proposed formats for the registration upon becoming a party of exemptions from the phase-out dates listed in the Convention, one for mercury-added products listed in Part I of Annex A to the Convention and another for the manufacturing processes in which mercury or mercury compounds were used listed in Part I of Annex B to the Convention, and two proposed formats for the register of exemptions to be maintained by the secretariat, one for each of the two annexes. The first two formats gave flexibility to parties seeking exemptions with regard to explanatory statements regarding their need for the exemptions; any such statements, which were to be provided in electronic form, would automatically be included in the register to be maintained by the secretariat, which would be available to the public.

75. The committee adopted the four proposed formats contained in the conference room paper on a provisional basis pending consideration and possible adoption by the Conference of the Parties at its first meeting. The forms as so adopted are set out in annex II to the present report.

## 3. Article 8: Emissions

76. Introducing the item, the representative of the secretariat recalled that under Article 8 of the Convention the Conference of the Parties was required to adopt guidance necessary for implementation of some of the article's provisions. Accordingly, the Conference of Plenipotentiaries, in its resolution on arrangements in the interim period, had established a group of technical experts to develop the guidance called for in Article 8, which fell into four areas: best available techniques and best environmental practices; support for parties in implementing the measures in paragraph 5 of Article 8 relating to sources of emissions; criteria that parties might develop pursuant to paragraph 2 (b) of the article; and a methodology for preparing inventories of emissions. The expert group had thus far held two meetings, in Ottawa from 25 to 28 February 2014, and in Montreux, Switzerland, from 8 to 11 September 2014. The report of the group, which was co-chaired by Mr. Adel Shafei Osman (Egypt) and Mr. John Roberts (United Kingdom), was contained in document UNEP(DTIE)/Hg/INC.6/10, which included an annex setting out the group's draft rules of procedure.

77. Mr. Roberts then presented a summary of the work of the expert group, which had conducted its work in four drafting groups corresponding to the source categories set out in Annex D to the Convention, with a fifth group preparing material on monitoring as part of best available techniques and best available practices. The secretariat was preparing an introduction to the guidance and sections that were common across the source categories, taking account of the group's discussions. The material would be reviewed at the group's third meeting, in March 2015, with the aim of publishing a first draft of the complete guidance on best available techniques and best environmental practices for comment by countries, following which a revised draft would be produced for the negotiating committee to consider at its next meeting. The group had drawn heavily on the example of the Stockholm Convention and the guidance on best available techniques and best available practices adopted under that convention and was mindful of the need for consistency with the provisions of the Stockholm and Basel conventions. The group had also drawn on the work of the partnership area on coal combustion of the UNEP Global Mercury Partnership. The group had made initial progress on guidance on the methodology for preparing inventories, which would be useful for countries in planning their initial implementation of the Convention, and it was hoped that draft guidance on the matter would be ready in time for the next meeting of the committee. Preliminary discussion had taken place on the other two items mandated to the group under Article 8, and the secretariat would be requesting countries and others to provide information on standards and regulatory emission limit values to assist the deliberations of the group. In summary, he said that the group had established an effective way of working, had made good initial progress and was looking forward to making substantial progress in the coming 12 months.

78. In the ensuing discussion, a number of representatives commended the group for its work and the progress made. One representative noted the importance of toolkits, such as the toolkit developed under the Stockholm Convention for the identification and quantification of dioxin and furan releases, in providing data to assist policy decisions at the national level, asking if the expert group had considered rapid assessment of methodologies for monitoring mercury releases to air and water so that countries could establish baselines in a timely manner and monitor the success of measures that they were taking. The representative of the secretariat said that the group, at its second meeting, had considered guidance on methodologies for developing inventories, taking account of a background document prepared by the secretariat, and had asked the secretariat to prepare further guidance using

the toolkit for identification and quantification of mercury releases, although countries might need to undertake more detailed assessments for the sources identified in Article 8. The group had also discussed monitoring practices to determine baselines and measure progress, and those discussions would continue at its third meeting. Another representative asked how experts from his country could participate in the work of the group. The Chair responded that input by experts from around the world was welcomed and could be offered through the group's regional experts nominated by the five United Nations regions. A further opportunity to comment would arise when the first draft of the guidance was circulated, and comments received would be incorporated into a revised draft.

79. One representative, speaking on behalf of a group of countries, expressed confidence that the group would submit to the committee at its seventh session the draft guidance documents addressing the various sectors and relevant issues, including the environmental performance of identified best available techniques in terms of emissions and how such information could be used by parties in the context of the various instruments listed in paragraph 5 of Article 8 of the Convention.

80. Following the discussion, the committee adopted the rules of procedure of the group of technical experts to develop the guidance called for in Article 8 of the Minamata Convention on Mercury (UNEP(DTIE)/Hg/INC.6/10, annex II). The committee also took note of the report of the expert group and encouraged the group to continue its work in a timely and efficient manner.

## 4. Article 13: Financial resources and mechanism

81. Introducing the sub-item, the representative of the secretariat drew attention to four documents that the secretariat had drafted regarding Article 13, which defined a financial mechanism for the implementation of the Minamata Convention consisting of two parts: the GEF trust fund and a specific international programme to support capacity-building and technical assistance.

82. The first document (UNEP(DTIE)/Hg/INC.6/20) set out a list of issues for initial consideration by the committee regarding the operation of the financial mechanism, in particular relating to the specific international programme, while the second (UNEP(DTIE)/Hg/INC.6/21) discussed preliminary guidance to be provided to the GEF Council on overall strategies, policies, programme priorities, eligibility for access to and utilization of financial resources and an indicative list of categories of activities to be funded by the GEF trust fund, as well as initial guidelines prepared by GEF on access to funding for enabling activities, in particular for Minamata Convention initial assessment activities and for the development of national action plans on artisanal and small-scale gold mining. The two other documents provided information on progress towards the development of a memorandum of understanding between the Conference of the Parties to the Minamata Convention and the GEF Council (UNEP(DTIE)/Hg/INC.6/23) and on existing memorandums of understanding between the GEF Council and the governing bodies of other multilateral environmental agreements (UNEP(DTIE)/Hg/INC.6/INF/8).

83. The committee was invited to consider the list of issues in document UNEP(DTIE)/Hg/INC.6/20 and whether it wished to request the secretariat to prepare additional documents relating to the operation of the financial mechanism, including with regard to experiences under other multilateral environmental agreements; to consider proposing guidance to the GEF Council, particularly in relation to establishing priorities for funding for actions relating to obligations under the Convention and funding for activities considered to assist the early implementation; to consider providing comments to GEF on the initial GEF guidelines on enabling activities, taking into account that the Convention was no longer open for signature and that GEF funding was available only to Convention signatories; and to consider requesting the secretariat to continue to work with the GEF secretariat on the development of a draft memorandum of understanding, building on experience with other such memorandums between the GEF Council and the governing bodies of other multilateral environmental agreements.

84. In the discussion that followed, most of the representatives who spoke thanked the secretariat for the documents presented.

### (a) Operation of the financial mechanism

85. Several representatives, including two speaking on behalf of groups of countries, emphasized the importance of the specific international programme in enabling the implementation of the Convention by developing country parties and parties with economies in transition, with one expressing hope that the programme would be set up immediately after entry into force of the Convention. One representative, speaking on behalf of a group of countries, said that further input from the secretariat on the possible governance structure of the programme was needed, while many others supported consideration of the issue at the current meeting.

86. One representative suggested that the secretariat conduct studies on the hosting institution, priority areas and funding eligibility criteria for the programme, drawing upon existing models in the climate, ozone and desertification arenas, to achieve early consensus on those issues. He further suggested that consultations on Article 13 be carried out in the period leading up to the seventh session of the committee.

87. Another representative, speaking on behalf of a group of countries, proposed that an indicative list of issues reflecting the needs of African countries be prepared and considered and that the Secretariat develop a realistic and strategic framework to encourage voluntary contributions to the specific international programme.

88. One representative said that, in developing the specific international programme, it was important to build on existing structures to ensure a lean administration that would support activities in an efficient and effective manner. With another representative, she suggested that it was necessary to reflect on the overall objective of the programme. Two other representatives, including one speaking on behalf of a group of countries, said that there was a need to reflect on the relationship between the specific international programme and the special programme to support institutional strengthening at the national level adopted by the United Nations Environment Assembly at its first session, with the representative speaking on behalf of a group of countries saying that the special programme could assist countries with the ratification and early implementation of the Minamata Convention prior to its entry into force.

89. Another representative, speaking on behalf of a group of countries, said that the special programme and the specific international programme were two separate and distinct mechanisms and, with another, that the latter should provide adequate resources additional to those provided under other chemicals conventions, as well as technical assistance, to enable developing countries to implement the Minamata Convention. Another representative said that it was necessary to establish a clear distinction between the specific international programme, the special programme and the GEF trust fund to avoid the duplication of contributions to various activities. He urged clarification of the purpose and types of activities to be covered by the specific international programme, which he said should finance those activities for which funding was not available under other financial mechanisms.

90. The representative of Switzerland said that her country was committed to continuing to provide financial support to the Minamata Convention in order to facilitate its early entry into force and implementation.

**(b) Guidance to the GEF Council**

91. One representative, speaking on behalf of a group of countries, said that it was important that the committee work in close cooperation with the GEF secretariat at the current session to make progress on developing guidance to the GEF Council. One representative expressed support for the initial guidance developed by GEF on funding for enabling activities for the Minamata Convention prior to its entry into force, as well its overall objective of financing enabling activities associated with the development of initial assessments and artisanal and small-scale gold mining national action plans, which she said should be consistent with any guidance or guidelines developed by the committee. She further suggested that the secretariat develop, in consultation with the secretariat of the Basel, Rotterdam and Stockholm conventions, clear and coherent guidance to GEF for both the interim period and after entry into force of the Convention for consideration by the committee at its seventh session.

92. Another representative expressed support for the development of general guidance to GEF to cover the period after entry into force of the Convention and prior to the first meeting of the Conference of the Parties, for instance with regard to the prioritization of Convention obligations and actions that could lead to significant mercury emission reductions. Another representative said that GEF should prioritize activities for those Convention obligations that were unique to mercury, such as those relating to artisanal and small-scale gold mining and the establishment of mercury inventories, and not those providing co-benefits, such as activities relating to air quality improvements or the sound management of waste.

93. Two representatives, including one speaking on behalf of a group of countries, welcomed the restructuring of the GEF instrument as it related to chemicals and waste and the inclusion of the Minamata Convention on Mercury in the list of chemicals agreements supported by GEF, while expressing support for further revisions to GEF criteria and procedures to facilitate greater country access to GEF funding. One representative said that paragraph 7 of Article 13 of the Convention purported to make GEF accountable to the Conference of the Parties, while in practice GEF was not so accountable; he therefore urged GEF to exhibit flexibility in its terms of reference with the aim of

facilitating implementation of the Convention. He further urged GEF to give priority to activities that built the capacities of countries and to support priority activities, in particular those required by the Convention and those that facilitated the reduction of mercury and mercury emissions and releases, and to enhance communication with countries to better understand their needs in the context of the Convention.

94. Following initial discussions in the contact group established as described in section (d) below, and at the request of the Chair, a representative of the GEF secretariat introduced a report prepared by the GEF Secretariat on activities undertaken by GEF in relation to the Minamata Convention during the interim period since the adoption of the Convention (UNEP(DTIE)/Hg/INC.6/INF/6) and provided clarification on a number of GEF-related issues that had been raised in the contact group.

95. Regarding enabling activities, he said that at its forty-fifth meeting, in November 2013, the GEF Council had adopted initial guidelines for enabling activities for the Minamata Convention (GEF/C.45/Inf.05). While the guidelines had been used by GEF since their adoption and would continue to be used during the sixth replenishment period, which ran from July 2014 to June 2018, they could be revised in response to decisions by the committee or the Conference of the Parties.

96. With regard to the GEF sixth replenishment, under which $555 million had been allocated to the chemicals and waste focal area, including $141 million to support the Minamata Convention, he said that the sixth replenishment strategy was a carefully negotiated document that was used to programme resources under all GEF focal areas. Some flexibility had been built in, however, with regard to the mercury programme, which included support for enabling activities, early action and implementation and support for least-developed countries and small island developing States, to enable the committee or the Conference of the Parties to provide guidance to GEF on issues such as prioritization of activities and other issues discussed in paragraph 5 of document UNEP(DTIE)/Hg/INC.6/21.

97. In closing, he noted that preparations for the seventh replenishment would commence in 2017 and suggested that provisional guidance from the committee or the Conference of the Parties might help inform the replenishment process with regard to the Minamata Convention.

98. Following that clarification the committee decided that the finance contact group would continue its deliberations.

**(c) Memorandum of understanding between the Conference of the Parties and the GEF Council**

99. One representative, speaking on behalf of a group of countries, expressed the hope that the memorandum of understanding to be signed between the Conference of the Parties and the GEF Council would recognize the special circumstances and needs of African countries. Another representative suggested that the memorandum of understanding include provisions requiring GEF to refrain from making project decisions based on political considerations and to provide countries with detailed information on project rejections, delays or cancellations. Another representative expressed support for including in the memorandum the elements listed in the note by the secretariat (UNEP(DTIE)/Hg/INC.6/23) and suggested that the secretariat develop a first draft of the memorandum of understanding in collaboration with the GEF secretariat for consideration by the committee at its seventh session.

100. Two representatives urged the secretariat to provide support to those countries that had not yet signed the Convention to enable them to ratify it, with one noting that the Convention was no longer open for signature and that only signatories were eligible to obtain GEF funding and that his country, which had a relatively large artisanal and small-scale mining sector, had not been able to sign the treaty owing to administrative constraints. Another representative said that non-signatories should also have access to GEF funding.

**(d) Establishment of contact group and outcome of its work**

101. Following its discussion, the committee decided to establish a contact group on finance, co-chaired by Ms. Gillian Guthrie (Jamaica) and Mr. Greg Filyk (Canada), to continue the discussion on Article 13. The group was requested to exchange views and if appropriate make recommendations to the committee on eligibility criteria for funding in the period leading up to the first session of the Conference of the Parties; possible arrangements for the initial guidance developed by the GEF secretariat; future guidance to GEF, including guidance for provisional adoption during the interim period and guidance to be adopted by the Conference of the Parties at its first session; issues that required consideration in the further elaboration of the specific international programme, including what the programme might look like and a process for its development; if deemed appropriate,

comments on the memorandum of understanding to be signed between the Conference of the Parties and the GEF Council; and any other issue related to Article 13.

102. Subsequently, the co-chair of the finance contact group introduced a conference room paper embodying the outcome of the group's discussions. She said that the members of the group had reached agreement on GEF-related issues, including guidance to GEF in the implementation of the mercury programme of the GEF-6 chemicals and waste focal area strategy and the memorandum of understanding to be signed between the GEF Council and the Conference of the Parties; on the special programme to support institutional strengthening at the national level; and on a road map for work to be carried out in the period leading up to the seventh session of the committee, including the establishment of an ad hoc working group of experts on financing to conduct such intersessional work subject to available resources as set out in sections I, II and IV of the contact group outcome document, respectively. The members of the contact group had not reached agreement on the specific international programme to be established under Article 13 of the Convention. A summary of the views expressed on that issue, prepared by the co-chairs of the contact group, was set out in section III of the conference room paper; it was stressed that the summary set out the co-chairs' understanding of the views expressed in the contact group and not a consensus view.

103. Following that report the committee adopted the suggestions of the contact group set out in sections I, II and IV of the contact group paper and took note of the summary of views set out in section III of the document, with several representatives underscoring their understanding that the latter summarized the understanding of the co-chairs regarding the views expressed and was not a consensus document. The conference room paper produced by the contact group as adopted by the committee, with section III of the conference room paper reflecting the views of the co-chairs moved to an appendix, is reproduced in annex III to the present report.

104. The committee then elected Ms. Guthrie and Mr. Filyk to serve as co-chairs of the ad hoc working group of experts on financing to conduct intersessional work on Article 13. A representative speaking on behalf of the Latin American and Caribbean region announced that the region would nominate experts from Brazil, Argentina and Cuba to serve on the ad hoc group of experts. The names of the nominees would be provided to the secretariat at a later date. The Chair noted that the nominations of the other members of the expert group would be submitted through each region's bureau member by 31 December 2014.

## 5. Article 21: Reporting

105. Introducing the sub-item, the representative of the secretariat drew attention to a proposal for the format and frequency of reporting on the progress of parties in meeting their obligations under the Convention (UNEP(DTIE)/Hg/INC.6/11/Rev.1). The committee was invited to consider the draft format and to request the secretariat to explore options for the development of electronic reporting, in cooperation with the secretariat of the Basel, Rotterdam and Stockholm conventions. It was furthermore invited to consider and propose for consideration by the Conference of the Parties a four-year reporting cycle, starting with a report to the Conference of the Parties at its third meeting, and to propose that the dates be aligned with the reporting dates of the Stockholm Convention to allow for coordinated data gathering at the national level.

106. The representative of Canada then introduced a conference room paper proposing the inclusion in the draft reporting format of additional questions seeking supplementary information, in addition to the mandatory information requested, that would help to illuminate the progress being made in the implementation of the Convention. The paper furthermore proposed that when a party had declared full compliance with an obligation under the Convention in a previous reporting cycle, the content of the party's previous national report in regard to that obligation would be automatically included in the electronic version of its current report, thus requiring the party only to enter any updates, thereby reducing its administrative burden.

107. In the ensuing discussion, general appreciation was expressed to the secretariat for preparing the document on a subject considered crucial to the effectiveness of the Convention, together with general support for the Canadian delegation's suggested improvements to the draft reporting format, especially in regard to the electronic reporting system. One representative said that that system should be as user friendly as possible and that parties should be consulted in its development. Another representative said that the system would help to build an implementation status database and that the task of producing the reports, while initially requiring some work in the first reporting cycle, would become progressively less onerous in subsequent reporting cycles. Another, however, said that the revised format did not take into account the additional administrative burden placed on countries lacking the necessary technological capacity and knowledge and, supported by others, suggested that it initially be kept as simple as possible and strictly within the scope of Article 21. Two representatives

said that it was necessary to achieve a balance between full reporting of the information required to evaluate the Convention's effectiveness and the burden of reporting on parties.

108. On the questions designed to elicit supplementary information, one representative said that such information should be provided on a voluntary basis; another suggested dividing the format into two parts, one for mandatory information and the other for the supplementary information; and another said that it was important to draw a clear distinction between obligations under the Convention that included explicit reporting requirements, obligations that did not include such requirements, and measures that were encouraged and entailed no reporting requirements. Regarding the questions themselves, it was suggested that the relevance of some questions needed reassessment and several representatives, including one speaking on behalf of a non-governmental organization, drew attention to matters not covered in the format such as trade flows, exports to non-parties, the challenges faced by parties, emissions and releases, and measures introduced to phase down mercury use and discourage new product types and processes.

109. Regarding the frequency of reporting, several representatives said that a four-year cycle seemed appropriate for most types of information. Several others, however, including two speaking on behalf of groups of countries and one speaking on behalf of a non-governmental organization, expressed the concern that reporting once every four years would not provide sufficiently timely data for, among other things, monitoring global trade flows and reductions in supply and the size and sources of stocks. One representative, speaking on behalf of a group of countries and supported by several others, suggested the possible introduction of a dual cycle covering both the near term and the long term and that to avoid increasing the burden on parties required to report on artisanal small-scale gold mining, the solution might be to align reporting under the Convention with the three-year cycle applicable to artisanal and small-scale gold mining. Her delegation, along with others, objected to the proposal to postpone the first report until four years after the entry into force of the Convention. Another representative, speaking on behalf of a group of countries, said that the frequency of reporting should be based on the timing of meetings of the Conference of the Parties. Drawing attention to the link between reporting under Article 21 and the evaluation of the Convention's effectiveness to begin within six years of the Convention's entry into force, as required by Article 22, he also said that more time was needed to consider the proposed reporting format in the light of that evaluation.

110. Several representatives, including one speaking on behalf of a group of countries, said that it was important to ensure close coordination with the secretariats of the Basel, Rotterdam and Stockholm conventions to avoid duplication of reporting and to ensure efficiency and coherence, bearing in mind the limited resources that some parties could allocate to the task.

111. Most representatives taking the floor said that they considered the proposals by the secretariat and Canada to be a good basis for further discussion in a contact group.

112. The committee decided that the contact group established to consider draft rules of procedure and draft financial rules, as described in section 7 below, should consider the draft documents on reporting, including the conference room paper introduced by Canada.

113. Subsequently, the co-chair of the contact group reported that the group had begun by establishing a broad common understanding on matters such as the scope of information to be reported, including with regard to supplementary information to be provided on a voluntary basis, and what kinds of questions required more than a "yes/no" answer. Members of the group, however, had made a number of specific proposals, most of which the group had not had time to consider, and the group had also been unable to reach the question of how often parties should report. The group had accordingly prepared a conference room paper containing a draft reporting format embodying the outcome of its work, containing all proposals made by members of the group and including square brackets around text on which the group had not reached agreement, which it recommended as a starting point for the work of the committee at its seventh session. The members of the group had also agreed to recommend that the committee request the secretariat to prepare for consideration by the committee at its seventh session a compilation of information on the frequency of reporting under other multilateral environmental agreements, including the Basel, Rotterdam and Stockholm conventions, along with data, if available, on the number of Parties who submitted reports under such other agreements.

114. Following the report of the contact group co-chair the committee agreed, as recommended by the contact group, to annex the draft reporting format agreed by the contact group, including square brackets around text that had not been agreed, to the report of its sixth session as a starting point for the committee's work at its seventh session. The draft reporting format as agreed by the contact group is set out in annex IV to the present report. In addition, as recommended by the contact group, the committee requested the secretariat to prepare for consideration at its seventh session a compilation of

information on the frequency of reporting under other multilateral environmental agreements, including the Basel, Rotterdam and Stockholm conventions, along with data, if available, on the submission of reports under such other agreements.

## 6. Article 22: Effectiveness evaluation

115. Introducing the sub-item, the representative of the secretariat drew attention to a note by the secretariat (UNEP(DTIE)/Hg/INC.6/12) on the initial compilation of information on methodologies for acquiring monitoring data and for providing the Conference of the Parties with comparable data for purposes of the effectiveness evaluation called for in Article 22 of the Convention.

116. Under Article 22, the Conference of the Parties was required to evaluate the effectiveness of the Convention no less than six years after its entry into force and periodically thereafter. To facilitate the evaluation, Article 22 specified that at its first meeting the Conference of the Parties should establish arrangements for providing itself with data on the presence and movement of mercury in the environment as well as levels of mercury in biotic media and vulnerable populations. The evaluation was to be made "on the basis of available scientific, environmental, technical, financial and economic information". In its resolution on arrangements in the interim period, the Conference of Plenipotentiaries had requested the committee to focus its efforts on matters requiring decision at the first meeting of the Conference of the Parties, including the provision of comparable monitoring data to the Conference of the Parties for purposes of the effectiveness evaluation. The matter had been placed on the agenda for the current meeting because of the long lead times required to establish the mechanisms necessary for the effectiveness evaluation.

117. The document listed some current and planned data-collection initiatives including the UNEP Global Mercury Assessment, the collection of data through Minamata Convention initial assessments, the UNEP global mercury monitoring project undertaken with GEF funding and information gathered by civil society organizations in a number of countries. WHO had expressed interest in contributing to the effectiveness evaluation. The committee was invited to consider requesting the secretariat to seek information on the availability of monitoring data from all Governments and relevant organizations and to prepare, for consideration by the committee at its seventh meeting, a compilation and analysis of the means of obtaining monitoring data.

118. In the discussion that followed, most of the representatives who spoke thanked the secretariat for the document presented. In general, representatives said that the effectiveness evaluation was important to the success of the Convention and that it was necessary to evaluate what data would be used and to develop reporting baselines and standards. One representative called for the development of a standardized method for collecting comparable data, perhaps in the form of a table that could be completed by parties and presented to the committee at its seventh session.

119. Several representatives highlighted the importance of working in partnerships, including with the scientific community and other stakeholders, throughout the negotiations. One representative spoke of his country's continuous atmospheric monitoring of mercury and mercury compounds and offered to share the associated observation data and methodology. Two representatives, including one speaking on behalf of a group of countries, said that they stood ready to share information concerning their experience with the Global Monitoring Plan on Persistent Organic Pollutants under the Stockholm Convention.

120. Several representatives proposed that the secretariat should compile all available data in the intersessional period before the seventh session of the committee using the sources listed in the note by the secretariat in addition to information obtained through an open submission process to which Governments could contribute. One representative suggested that the UNEP Global Partnership Area for Mercury Transport and Fate Research could then be asked to augment, review and provide a preliminary analysis of the data received.

121. A representative speaking on behalf of a group of countries said that the utility of the Global Monitoring Plan on Persistent Organic Pollutants for purposes of the effectiveness evaluation should be further assessed, while another said that the experience under other international treaties with similar reporting mechanisms should be evaluated.

122. Several representatives called for additional resources and capacity-building to assist developing countries and countries with economies in transition in gathering and reporting data, and several said that a lack of resources, including laboratory facilities, often prevented developing countries and countries with economies in transition from participating fully in projects such as the GEF project to support the Global Monitoring Plan on Persistent Organic Pollutants and the WHO biomonitoring survey mentioned in paragraphs 5–7 of the note by the secretariat. There was some discussion of the merit of regional monitoring programmes versus programmes in every country. One

representative suggested that data should be gathered on a global scale rather than from a few countries; furthermore, he said, data should be peer-reviewed and compiled in a reportable format. Several representatives said that regional monitoring and evaluation was effective, as evidenced by the experience under the Stockholm Convention.

123. Following its discussion the committee decided that the secretariat should seek information on the availability of monitoring data from all Governments and relevant organizations and prepare a compilation and analysis of the means of obtaining monitoring data for consideration by the committee at its seventh session. Emphasis should be given to the capacity-building needs of developing countries and countries with economies in transition; to the role played by regional activities; and to the value of partnerships.

## 7. Article 23: Conference of the Parties

124. Introducing the sub-item, the representative of the secretariat drew attention to notes by the secretariat setting out draft rules of procedure (UNEP(DTIE)/Hg/INC.6/13) and draft financial rules (UNEP(DTIE)/Hg/INC.6/14) for the Conference of the Parties. The committee was invited to consider the draft rules.

125. In the ensuing discussion, appreciation and support was expressed for the documents prepared by the secretariat.

126. Many representatives said that they were ready to approve the draft rules of procedure for adoption by the Conference of the Parties with the exception of rule 45, on voting in the event of the Conference failing to achieve consensus on matters of substance, expressing a preference for decision-making by consensus. One representative said that there had been no precedents to date of voting by the conferences of the parties to the Basel, Rotterdam and Stockholm conventions and, hence, no need for a voting system under the Minamata Convention. Another representative said that consensus-only decision-making was critical in the early stages of a convention as there were fewer parties and decisions could affect interpretations of its provisions well into the future. Another representative, however, supported by another, said that experience with other multilateral environmental agreements had shown that voting was necessary to break deadlocks. One representative, speaking on behalf of a group of countries, endorsed the provision in rule 45 for decision by a two-thirds majority vote, while another disagreed, saying that that provision was inconsistent with paragraph 3 of Article 26, which required a three-quarters majority for amending the Convention.

127. On the draft financial rules, some representatives noted with satisfaction that rule 3 provided for a programmatic budget format harmonized with those of the Basel, Rotterdam and Stockholm conventions which, according to one of them, had clear advantages in terms of comparability and coherence. One representative, speaking on behalf of a group of countries, said that, while it was important not to reinvent the wheel, harmonizing the budget of the Minamata Convention with the budgets of the Basel, Stockholm and Rotterdam conventions should not work to the detriment of developing countries or disregard the specificity of mercury or the particular needs of the Minamata Convention. In addition, the budget should allow for the establishment of a secretariat able to render services to the parties and to assist parties requiring capacity-building to enable them to comply with the provisions of the Convention.

128. A number of representatives drew attention to what they said were inconsistencies between the draft rules and the rules of the Basel, Rotterdam and Stockholm conventions in relation to matters such as the programme support costs to be paid to UNEP and the financial period. Clarification was requested on the implications of paragraph 8 of rule 5, and one representative called for that paragraph to be amended to require the Executive Director of UNEP to consult with the Executive Secretary of the Convention when deciding how to allocate unearmarked contributions.

129. One representative, suggesting that the secretariat should draw on other financial rules in addition to those of the Basel, Rotterdam and Stockholm conventions, said that the rules needed to reflect the voluntary nature of contributions to the secretariat's operating budget and make clear how the various types of contributions would be allocated. Another representative, speaking on behalf of a group of countries, said that the financial rules should require the secretariat to prepare and circulate draft budgets at least 90 days before the meetings at which they would be considered by the Conference of the Parties and to provide the parties with a minimum of two budget options. Supported by another representative, he also said that the Conference of the Parties should give the Executive Director the flexibility needed to engage with parties in arrears on their assessed contributions. Lastly, he said that it was important to provide for the effective participation of developing countries, small island developing States and countries with economies in transition, and to ensure that the cost of their

participation was met through the core budget rather than through voluntary contributions. One representative requested the secretariat to prepare a budget plan for meetings of the Conference of the Parties for discussion by the contracting parties before the first meeting of the Conference of the Parties.

130. The committee decided to establish a contact group, co-chaired by Mr. David Kapindula (Zambia) and Mr. David Buchholz (United States), to conduct a detailed examination of the two documents.

131. Subsequently the co-chair of the contact group reported that the group had reached agreement on the rules of procedure except with regard to the second sentence of paragraph 1 of rule 45, on voting on matters of substance, and paragraph 3 of the same rule, on the determination of whether a matter was substantive or procedural, both of which were enclosed in square brackets to indicate that they had not been agreed.

132. The committee agreed to annex the rules of procedure as agreed by the contact group, including the square brackets around the second sentence of paragraph 1 and paragraph 3 of rule 45, to the present report, for consideration by all parties in preparing for the seventh session of the committee and the first meeting of the Conference of the Parties. The rules of procedure as agreed by the contact group are set out in annex V to the present report.

133. One representative, speaking on behalf of a group of countries, said that it was important for the Conference of the Parties to have clear rules of procedure from the outset. Accordingly, the committee should work further on the rules of procedure at its seventh session with the aim of agreeing on the currently bracketed text. The Chair said that the Bureau would take that view into account in deciding on the organization of the committee's seventh session and the first meeting of the Conference of the Parties.

134. With regard to the financial rules the co-chair of the contact group reported that the group had held a conceptual discussion and had benefited from explanations by the secretariat on matters such as the nature of contributions, the difference between core budget and other funds and the benefit of harmonizing the budget documents with those of the Basel, Rotterdam and Stockholm conventions. While those explanations had been helpful, the group had not had time to reach agreement on various matters, including what costs should be paid from the core budget, whether the rules should specify that contributions were voluntary and how to deal with parties that did not pay contributions when expected. The group had accordingly produced a draft of the financial rules including all positions put forth and containing square brackets around text on which agreement could not be reached, and it recommended that that draft be used as the starting point for the work of the committee at its seventh session.

135. Following the report of the contact group co-chair the committee agreed, as recommended by the contact group, to annex the draft financial rules as agreed by the contact group, including square brackets around text that had not been agreed, as a starting point for the committee's work at its seventh session. The draft financial rules as agreed by the contact group are set out in annex VI to the present report.

## B. Agenda item 3 (d)

### 1. Article 7: Artisanal and small-scale gold mining

136. Introducing the sub-item, the representative of the secretariat drew attention to a note by the secretariat regarding Article 7, which dealt with artisanal and small-scale gold mining and processing in which mercury amalgamation was used to extract gold from ore. Under Article 7, each party that determined that it had more than insignificant artisanal and small-scale gold mining and processing within its territory was required to develop and implement a national action plan in accordance with Annex C. Document UNEP(DTIE)/Hg/INC.6/16 contained an initial proposal for guidance and assistance to countries with artisanal and small-scale gold mining in the development of their national plans.

137. The UNEP Global Mercury Partnership had already developed guidance on many of the areas covered in Annex C, including the development of a national strategic plan to reduce mercury use in artisanal and small-scale gold mining. That guidance included a review of legal, educational, economic, regulatory and enforcement frameworks, as well as information on developing budgets and workplans and identifying potential sources of funding and partners.

138. The committee was invited to consider whether the guidance developed by the UNEP Global Mercury Partnership could serve as the basis for the development of a national action plan. The

committee might also wish to request the secretariat, in cooperation with the artisanal and small-scale gold mining partnership area of the UNEP Global Mercury Partnership, to revise the guidance document as required to address all areas set out in Annex C to the Convention, for further consideration by the committee at its seventh session. She recalled that WHO was developing guidance on the health aspects of artisanal and small-scale gold mining, which might be incorporated into the guidance on Article 7.

139. Representatives of the United Nations Industrial Development Organization and the Natural Resources Defense Council, co-leaders of the artisanal and small-scale gold mining partnership area of the UNEP Global Mercury Partnership, gave a presentation on the guidance prepared by the Partnership, underlining that artisanal and small-scale gold mining was a major user and the largest emitter of mercury and noting that details of its work on national action plan development could be found in document UNEP(DTIE)/Hg/INC.6/16.

140. The representative of WHO confirmed that her organization was developing a suite of technical materials aimed at addressing the health aspects of artisanal and small-scale gold mining, including national health strategies; health assessments to inform the development of those strategies; training materials to build the capacity of health care providers to identify and address environmental and occupational health issues; and measures to reduce mercury exposure and raise awareness in artisanal and small-scale gold mining communities and to address the needs of vulnerable populations.

141. In the discussion that followed, most representatives taking the floor thanked the secretariat for the document and expressed gratitude to the artisanal and small-scale gold mining partnership area for the guidance it had prepared and the support that it provided to affected countries; all of the representatives who spoke supported the proposal to request the secretariat to prepare, in cooperation with the artisanal and small scale gold mining partnership area, a revised guidance document for further consideration by the committee at its seventh session.

142. Several representatives, including one speaking on behalf of a group of countries and two speaking on behalf of non-governmental organizations, highlighted the problems faced by artisanal and small-scale gold mining communities, the difficulties of reaching those based in remote locations and the risks to human health and the environment resulting from their activities and said that high priority should be given to the development of national action plans in affected countries.

143. Several representatives, including one speaking on behalf of a group of countries and one speaking on behalf of a non-governmental organization, said that there was a need for coordination between multiple stakeholders and partners, including international organizations, Governments, ministries, industry and civil society, in developing national plans and implementing the requirements of the Minamata Convention in respect of artisanal and small-scale gold mining.

144. Several representatives, including one speaking on behalf of a group of countries, expressed concern about illegal trafficking in mercury and said that their countries looked forward to putting in place measures to combat it. The representative of one non-governmental organization said that mercury trade controls and greater coordination between customs authorities at the national and global levels were also important in that context.

145. One representative said that her country had already drawn up a national action plan, involving both central and local government in its implementation in areas where artisanal and small-scale gold mining was the main source of income. Another representative said that guidance on developing strategic plans should take into account progress made by countries, such as her own, that had already begun to develop national plans for reducing and eliminating the use of mercury.

146. One representative said that information on the effort to develop guidance on national action plans should be shared with GEF, as it could usefully inform the work of GEF on its initial guidance on enabling activities for the Minamata Convention, which also covered artisanal and small-scale gold mining.

147. The representative of a non-governmental organization said that the guidance document drafted by the artisanal and small-scale gold mining partnership area was somewhat lengthy and should be simplified. Furthermore, countries should discourage the use of mercury in artisanal and small-scale gold mining given that viable alternative practices could be utilized. He also said that the clean-up of affected areas should not be left to small-scale operators and should be the responsibility of each country and therefore addressed in their national action plans.

148. The committee decided that the guidance developed under the UNEP Global Mercury Partnership should serve as the basis for the preparation of guidance on the development of national action plans on artisanal and small-scale gold mining, and to request the secretariat, in cooperation

with the artisanal and small-scale gold mining partnership area and WHO, to revise that guidance as required to address all areas set out in Annex C to the Convention, for further consideration by the committee at its seventh session. The drafting process would incorporate the experiences of countries that had already drafted or were in the process of drafting national action plans.

## 2. Article 9: Releases

149. Introducing the item, the representative of the secretariat said that the note by the secretariat providing initial information on sources of releases and a methodology for the development of inventories (UNEP(DTIE)/Hg/INC.6/15) had been prepared in response to a request by the Conference of Plenipotentiaries that the negotiating committee support activities that would facilitate the rapid entry into force of the Convention and its effective implementation upon entry into force, including the preparation of guidance on the identification of sources of releases and a methodology for preparing inventories of releases pursuant to Article 9 of the Convention. She noted that methodologies for the preparation of inventories of emissions, including the UNEP toolkit for identification and quantification of mercury releases, which addressed both emissions and releases from a broad range of sources, were under consideration by the group of technical experts established by the Conference of the Parties.

150. One representative asked for clarification on whether countries making initial assessments of sources of releases should wait for the completion of the guidance being prepared by the expert group. The representative of the secretariat said that as the toolkit was already available and provided a methodology for preparing an inventory of all sources and emissions there was no need to await the guidance. Several initiatives were under way to provide training to Governments in how to use the toolkit, including through the regional centres of the Basel, Rotterdam and Stockholm conventions and UNITAR.

151. The committee took note of the report providing initial information on sources of releases and a methodology for the development of inventories, saying that it looked forward to the outcome of the further work by the group of technical experts on the matter.

## 3. Article 10: Environmentally sound interim storage of mercury, other than waste mercury

152. The representative of the secretariat introduced a note by the secretariat on the development of guidance on the environmentally sound interim storage of mercury other than waste mercury (UNEP(DTIE)/Hg/INC.6/17). The note proposed that the committee request the secretariat to prepare, for consideration at its seventh session and in cooperation with the Basel Convention secretariat, draft guidelines on the environmentally sound interim storage of mercury other than waste mercury. The document further proposed that in drafting the guidelines the secretariat draw on relevant work of the supply and storage partnership area of the UNEP Global Mercury Partnership, including on the assessment of options and technologies for the storage or final disposal of excess mercury supply and the collection of information on storage options used by a number of Governments; information from the Basel Convention; and information to be provided by Governments. In order to obtain the latter, it was suggested that the committee request Governments to make relevant information available to the secretariat to facilitate the preparation of the draft guidelines.

153. In the discussion that ensued, three representatives, including one speaking on behalf of a group of countries, said that while the interim storage of mercury other than waste mercury was an important aspect of the Minamata Convention, the secretariat should focus on other priorities in the lead-up to the seventh session of the committee, including the development of guidance for the production of artisanal and small-scale mining national action plans. Another representative expressed support for the way forward proposed in document UNEP(DTIE)/Hg/INC.6/17. The representative of a non-governmental organization, however, said that the proposed way forward placed undue emphasis on the work being carried out under the Basel Convention, which dealt with waste, whereas Article 10 dealt with non-waste, and suggested broadening the scope of the work proposed.

154. One representative, supported by two others, including the representative of a non-governmental organization, suggested that instead of asking the secretariat to prepare draft guidelines on interim storage for consideration at its next session, the committee request countries to provide the secretariat with information on environmentally sound interim mercury storage practices, measures and requirements that they had adopted and successfully implemented. The secretariat could then compile and summarize the information; identify, in collaboration with the Basel Convention secretariat and relevant experts, which parts of the technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury developed under the Basel Convention might be relevant to the interim storage of mercury

other than waste mercury; and prepare an outline and road map for future work for consideration by the committee at its seventh session.

155. One representative requested clarification regarding the types of information to be provided by countries with regard to the interim storage of mercury, stating that her country had adopted guidelines on mercury waste consistent with applicable Basel Convention requirements.

156. Speaking on behalf of a group of countries, one representative suggested that in its work on temporary storage guidance the secretariat should focus on those interim storage operations for large amounts of mercury that were similar to the interim waste storage operations discussed in the Basel Convention technical guidelines on mercury waste. To advance such work, Governments could be invited to submit relevant information to the secretariat on such operations.

157. One representative said that the guidelines to be developed under Article 10 should be flexible to enable countries to find viable technologies relevant to their circumstances and suggested that the Secretariat compile and update information on long-term mercury storage options used by Governments.

158. Following the discussion, the committee decided to request countries to provide the secretariat with information on sound mercury interim storage practices that they had adopted and successfully implemented. The committee requested the secretariat to prepare, for consideration at its seventh session, a compilation and summary of the information provided by countries; to identify, in collaboration with the secretariat of the Basel Convention and relevant experts, those parts of the technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury developed under the Basel Convention that might be relevant to the interim storage of mercury other than waste mercury; and to propose a road map for work on interim storage guidelines.

## 4. Article 11: Mercury wastes

159. The representative of the secretariat introduced a note by the secretariat on consideration of thresholds for the identification of mercury waste (UNEP(DTIE)/Hg/INC.6/18), which contained a proposal that the committee request Governments to provide information on the national use of thresholds applicable to mercury wastes and the levels established and request the secretariat to prepare a proposal for mercury waste thresholds for consideration by the committee at its seventh session. She said that the document made reference to the Basel Convention technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury, noting that they did not contain a definition of thresholds. The guidelines were currently being revised. The document also referred to guidance by WHO that included health-based guidance values for mercury exposure through air, water and food and through contamination of traditional medicines, but not soil.

160. In the ensuing discussion, several representatives expressed support for the committee's early consideration of mercury waste thresholds and for the proposed compilation of countries' use of mercury waste thresholds. Another, however, speaking on behalf of a group of countries, suggested that the determination of mercury waste thresholds should not take precedence over the priority work outlined in paragraphs 5–7 of the Conference of Plenipotentiaries resolution on arrangements in the interim period.

161. Noting that her country was leading the work to revise the Basel Convention mercury waste technical guidelines, the representative of Japan expressed support for using the Basel Convention technical guidelines on mercury waste as a basis for the development of mercury waste thresholds and, supported by another representative, said that it was essential that the Basel and Minamata conventions work collaboratively on the issue.

162. Two representatives expressed appreciation to Japan for leading the work on the Basel Convention mercury waste technical guidelines, with one saying that parties to the Minamata Convention could rely on the current version of the Basel Convention guidelines pending the development of waste thresholds since the absence of thresholds in those guidelines meant that all mercury-containing waste should be managed in an environmentally sound manner. She further suggested that work on thresholds be handed over to the Basel Convention once the gathering of information was complete.

163. One representative suggested that WHO include mercury waste thresholds in its mercury-related health guidance work. Another said that there was a need for a clear methodology for measuring mercury threshold values to ensure the comparability of data provided by countries. One representative said that the determination of mercury waste thresholds should be based on risk and that

the revised Basel Convention guidelines should be flexible and reflect the realities of different countries. Another expressed hope that the revised guidelines would take into account the needs of developing countries.

164. Four representatives called for additional technical and other support to developing countries to ensure the environmentally sound management of mercury wastes, including clean-up of contaminated sites and awareness-raising for policymakers and populations affected by mercury, with one highlighting the contributions of the Basel and Stockholm convention regional centres and the Global Mercury Partnership in the area.

165. The representative of the Basel Convention Coordinating Centre for the African Region drew attention to the ongoing work on a draft of a "Practical Sourcebook on Mercury Storage and Disposal" that was being prepared by UNEP and the International Solid Waste Association. He said that the draft provided information on best practices and technologies and sought to enhance the capacity of Governments to develop environmentally sound strategies for the interim storage of mercury other than waste mercury and the management of mercury waste.

166. Following its discussion, the committee decided to request countries to provide to the secretariat information on their use of mercury waste thresholds and the levels established and to request the secretariat to compile such information for consideration by the committee at its seventh session.

## 5. Article 12: Contaminated sites

167. Introducing the item, the representative of the secretariat recalled that Article 12, among other things, required the Conference of the Parties to adopt guidance on managing contaminated sites. Accordingly, the secretariat had produced a note on guidance on managing contaminated sites and a proposed way forward for developing such guidance (UNEP(DTIE)/Hg/INC.6/19). In preparing the note, the secretariat had considered experience from other conventions in the chemicals and waste cluster, in particular the technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury adopted under the Basel Convention.

168. In the ensuing discussion, one representative stressed the importance of regional cooperation in managing contaminated sites. Another representative, noting that the management of contaminated sites was a critical component of national action plans, said that it would be beneficial for countries to share knowledge with other countries dealing with shared concerns on a regional basis.

169. Several representatives said that, given more pressing priorities, the time was not appropriate to initiate work on guidance on managing contaminated sites. A number of representatives said that there already existed a significant body of work on the subject that could be drawn on for the time being.

170. One representative, however, said that many countries, particularly those without mercury production, lacked the technical capacity for measuring mercury contamination and establishing threshold pollutant values, making it difficult for them to identify priority sites and carry out remediation measures. Another representative said that for countries without the appropriate knowledge, experience and methodologies for identifying contaminated sites and for the environmentally sound handling of wastes, the absence of guidance could be a barrier to ratification of the Convention, given the difficulties that those countries might face in implementing Article 12. The development of such guidance, or a mechanism by which relevant information could be disseminated and shared, was therefore a matter of urgency.

171. The representative of a non-governmental organization said that the issue was of high priority and that consideration of Article 12 at the next session of the committee would benefit from the preparation of an initial draft of a guidance document and its review by an expert group. The guidance would need to go into more depth on technical issues than did the Basel Convention technical guidelines on mercury wastes. In addition, the matter of mercury releases from contaminated sites should be addressed in the UNEP toolkit for identification and quantification of mercury releases.

172. Following its discussion, the committee decided to defer further consideration of the item until its seventh session, while encouraging countries to continue to make progress on a national and regional basis and to share and disseminate relevant knowledge.

## V. Report on activities of the interim secretariat during the period before entry into force of the Convention (agenda item 4)

173. The committee considered sub-items 4 (a) (Activities at the regional and country levels to support implementation), 4 (b) (Cooperative activities with other relevant actors) and 4 (c) (Funding for the secretariat and activities) together.

174. Introducing the item, the representative of the secretariat said that two documents before the committee related to activities of the interim secretariat during the period before entry into force of the Convention (UNEP(DTIE)/Hg/INC.6/22 and Corr.1 and UNEP(DTIE)/Hg/INC.6/INF/7); those documents had been prepared in response to the request of the Conference of Plenipotentiaries that the Executive Director of UNEP facilitate activities at the regional and country levels to support implementation during the interim period in an effective and efficient manner and provide interim secretariat services to support the negotiating committee in its activities until the first meeting of the Conference of the Parties and that the interim secretariat cooperate and coordinate, as appropriate, with other relevant actors, including the secretariat of the Basel, Rotterdam and Stockholm conventions, in order to make full use of relevant experience and expertise. Three other documents provided information on work undertaken by the UNEP Global Mercury Partnership (UNEP(DTIE)/Hg/INC.6/INF/3), the World Health Assembly (UNEP(DTIE)/Hg/INC.6/INF/4) and the Global Environment Facility (UNEP(DTIE)/Hg/INC.6/INF/6), and another provided information on cooperation and coordination with other actors including the Basel, Rotterdam and Stockholm Conventions, UNDP, UNIDO, UNITAR and WHO (UNEP(DTIE)/Hg/INC.6/INF/5).

175. The work of the interim secretariat, he said, could be divided into two main categories: support for the intergovernmental negotiating committee and the group of technical experts to prepare guidance on emissions; and awareness-raising and capacity-building activities in support of the signature, ratification and early implementation of the Convention. In the first category, the interim secretariat had undertaken preparatory activities for the sixth session of the negotiating committee and had organized two meetings of the expert group, as well as meetings of the Bureau held both in person and by teleconference. In the second category, work had included the development and dissemination of outreach materials and further work on the Convention website; organization of eight subregional workshops, in collaboration with a wide range of actors, to enhance knowledge of the Convention and the process for ratification and implementation; and initial development of pilot projects at the national level to promote activities leading towards signature and ratification of the Convention. In addition, the secretariat had coordinated the organization of a special high-level event to promote signature and ratification, hosted in New York in the margins of the sixty-ninth session of the General Assembly by the Governments of Japan, Switzerland, the United States and Uruguay. The activities undertaken by the interim secretariat had been supported by generous voluntary contributions from Canada, China, Denmark, France, the European Union, Finland, Japan, the Netherlands, Norway, Sweden, Switzerland and the United States of America and had benefited from active consultation and cooperation with the secretariat of the Basel, Rotterdam and Stockholm conventions. The representative of the secretariat further noted that additional subregional workshops would be organized in the forthcoming months and that a further series of regional workshops would be organized in cooperation with the Basel, Rotterdam and Stockholm Conventions early in 2015.

176. In the ensuing discussion, many representatives expressed appreciation for the work of the secretariat and praised the efforts it had made to collaborate with a wide range of partners in carrying out that work. One representative said that it was reassuring that such a broad pool of knowledge and experience was available to support further work to make the Convention operational and encouraged all partners to continue to work with the secretariat. He noted with appreciation the organization of the subregional workshops in cooperation with regional centres of the Basel and Stockholm conventions and the support provided for the preparation of national road maps, suggesting that the more the Minamata Convention joined forces with others in the chemicals and waste cluster the more political attention, visibility and resources would be forthcoming. One representative praised the labours of the small secretariat, whose extensive efforts and achievements had made a strong impression. He encouraged further work to develop additional publications and resource materials that would be usable at the national, regional and global levels to support awareness-raising, which would contribute to ratification and early implementation.

177. One representative, speaking on behalf of a group of countries, said that in regard to further work, activities that supported country-level institutional strengthening were essential and that the role of the special programme to support institutional strengthening at the national level should be emphasized. Welcoming cooperation between the interim secretariat of the Minamata Convention and the secretariat of the Basel, Rotterdam and Stockholm conventions, he said that it was important to

pursue that link in line with the request in paragraph 9 of resolution 1 of the Conference of Plenipotentiaries on options for carrying out the functions of the permanent secretariat for the Convention. Another representative said that collaboration with the Basel, Rotterdam and Stockholm conventions allowed for good use of limited resources and should be further pursued. Another representative, thanking the secretariat for its work to date, said that further work should include awareness-raising at all levels regarding the importance of the Convention to promote its early ratification and entry into force

178. One representative, speaking on behalf of a group of countries, suggested that the secretariat should mobilize additional technical and financial support for workshops, saying that those undertaken thus far had contributed significantly to fulfilling the mandate of the Conference of Plenipotentiaries, while several called for regional meetings to allow the regions to prepare for the seventh session of the committee and the first meeting of the Conference of the Parties. Another representative urged that greater efforts be made to duplicate the cooperation that had been demonstrated in the workshops at the country level, through more collaboration between national entities on matters related to chemicals and wastes, including mercury.

179. The representative of the Netherlands announced that his Government had approved a further contribution of 100,000 euros to support the work of the interim secretariat related to the early ratification and early implementation of the Convention.

180. The representative of WHO reported that the World Health Assembly had adopted a resolution (WHA 67.11) on the role of WHO and ministers of health in the implementation of the Minamata Convention, thus signalling a commitment by ministries of health to participate actively in implementing the Convention and providing a mandate to the WHO secretariat to support member States in that regard. WHO intended to broaden discussion among ministries of health on implementing the health-related articles of the Convention through regional or subregional workshops and would welcome offers of support or partnership from Governments to enable those activities. In addition, the member organizations of IOMC had established a formal group to coordinate and strengthen work in support of the Minamata Convention, focusing on guidance and tools for Minamata Convention initial assessments and national action plans.

181. The representative of UNIDO said that his organization had been an active participant in early efforts to implement the Convention. Before the adoption of the Convention in Kumamoto UNIDO had been working in 10 countries in such areas as artisanal and small-scale gold mining, waste management and non-ferrous metal smelting, with the support of GEF and the Governments of Finland, France and the United States, and since adoption of the Convention UNIDO had assisted six countries in the development of their Minamata Convention initial assessments. That work had only been possible through collaboration with many partners, including the Global Mercury Partnership, the Natural Resources Defence Council, and members of IOMC.

182. The representative of UNITAR said that since the fifth session of the negotiating committee, her organization had scaled up its activities related to ratification and early implementation of the Convention and had put in place training and capacity-building programmes in chemicals and waste management to support developing countries and countries with economies in transition in their efforts to address the sound management of chemicals, including mercury. With the financial support of Switzerland, UNITAR had initiated a global project to support 15 countries in 2014–2015 to develop initial capacity and take steps towards ratifying the Convention and identifying early action for implementation. In collaboration with UNEP, UNITAR had developed Mercury:Learn, an online training and knowledge-sharing platform that had an initial focus on mercury release inventories, and stood ready to serve as an executing agency to support Minamata Convention initial assessment projects.

183. The representative of UNEP said that his organization remained committed to helping countries meet the requirements of the Minamata Convention. In its role as a GEF implementing agency, UNEP worked in close cooperation with the Convention interim secretariat to support countries in completing Minamata Convention initial assessments and artisanal and small-scale gold mining national action plans. UNEP supported an integrated approach to programme development in order to ensure that actions were sustainable and achieved the anticipated environmental and human health impacts. The organization's efforts in that regard would continue to build on the work already under way within the UNEP Chemicals Branch in such areas as artisanal and small-scale gold mining, global monitoring of releases of mercury, reductions in atmospheric emissions of mercury from coal and other sources of mercury, and the management of mercury-containing products. UNEP remained an active member of the Global Mercury Partnership and looked to work within the partnership, and with

all other partner organizations, to address the challenges faced at the global, regional, national and local levels.

184. The committee took note of the information presented, encouraging the secretariat to continue to work with partners and donors in all activities related to early ratification and implementation of the Convention and to take all actions necessary to enable effective preparations for the seventh session of the committee.

## VI. Other matters (agenda item 5)

### A. Request for offers to host the permanent secretariat of the Minamata Convention on Mercury

185. One representative proposed that the committee request the interim secretariat to invite offers by Governments interested in hosting the permanent secretariat of the Minamata Convention and to compile and analyse any such offers for consideration by the committee at its seventh session. Many other representatives expressed support for the idea, and the committee therefore requested the interim secretariat to proceed in accordance with the proposal.

### B. Offer to host the committee's seventh session

186. The representative of Jordan conveyed an offer by his Government to host the seventh session of the committee. He said that his Government was ready to contribute financially to the session and would welcome the support of donors in that regard.

187. The committee took note of the offer made by Jordan and invited donors to contribute to the financing of the committee's seventh session.

### C. Ratification of the Minamata Convention by Nicaragua

188. On the morning of 4 November the members of the committee applauded an announcement by the Chair that Nicaragua had recently deposited its instrument of ratification of the Minamata Convention with the Depositary.

## VII. Adoption of the report (agenda item 6)

189. The committee adopted the present report on the basis of the draft report circulated during the session, on the understanding that it would be finalized by the Rapporteur in consultation with the Chair and with the assistance of the secretariat.

## VIII. Closure of the session (agenda item 7)

190. Following the customary exchange of courtesies, during which the Chair paid tribute to Ms. Keita-Ouane for her long years of service to the environment as she neared the date of her retirement from the United Nations, the Chair declared the session closed at 6.10 p.m. on Friday, 7 November 2014.

# Annex I

## FORM A

### Form for the provision of written consent by a Party to the import of mercury

***(This form is not required by the Convention in cases where the importing Party has provided a general notification of consent in accordance with Article 3, paragraph 7)***

***Section A:*** ***Contact information to be provided by the importing Party***

*Party:*

*Name of designated national focal point:*
*Address:*
*Tel:*
*Fax:*
*Email:*

***Section B:*** ***Contact information to be provided by the exporting Party or non-Party***

*Party or non-Party:*

*Name of designated national focal point or responsible government official:*
*Address:*
*Tel:*
*Fax:*
*Email:*

***Section C:*** ***Shipment information to be provided by the exporting country:***

*Please indicate approximate total quantity of mercury to be shipped:*
*Please indicate approximate date of shipment:*
*Please indicate if the mercury is from primary mercury mining:*
*Please indicate if the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities:*

(If the exporting country is a non-Party, the importing Party shall also request that Form C be completed)

***Section D:*** ***Information to be provided by the importing Party***

*What is the purpose of the import of the mercury? Please circle:*

i. *Environmentally sound interim storage in accordance with Article 10:*
*YES* *NO*
*If yes, please specify the intended use if known.*

ii. *Use allowed to a Party under the Convention:* *YES* *NO*
*If yes please specify additional details about the intended use of the mercury.*

***Section E:*** ***Shipping information, as appropriate***

*Importer*

*Name of business:*
*Address:*
*Tel:*
*Fax:*
*Email:*

*Exporter*

*Name of business:*
*Address:*
*Tel:*
*Fax:*
*Email:*

***Section F:*** ***Indication of consent by the importing Party***

*Nature of consent, please circle:*

*GRANTED* *DENIED*

*Please use the space below to indicate any conditions, additional details or relevant information.*

_____

_____

*Signature of importing Party designated national focal point and date*

*Name:*
*Title:*
*Signature:*
*Date:*

## *FORM B*

### *Form for the provision of written consent by a non-Party to the import of mercury*

***(This form is not required by the Convention in cases where the importing non-Party has provided a general notification of consent in accordance with Article 3, paragraph 7)***

***Section A:*** ***Contact information to be provided by the Party to the Convention***

*Party:*

*Name of designated national focal point:*
*Address:*
*Tel:*
*Fax:*
*Email:*

***Section B:*** ***Contact information to be provided by the non-Party***

*Country:*

*Name and agency of government official:*
*Address:*
*Tel:*
*Fax:*
*Email:*

***Section C:*** ***Shipment information to be provided by the exporting Party***

*Please indicate approximate total quantity of mercury to be shipped:*
*Please indicate approximate date of shipment:*
*Please indicate if the mercury is from primary mercury mining:*
*Please indicate if the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities:*

***Section D:*** ***Certification and Information to be provided by an importing non-Party***

*Article 3, paragraph 6 (b) (i), requires certification by a non-Party that it has measures in place to ensure the protection of human health and the environment and to ensure compliance with Articles 10 and 11 of the Convention.*

*Please circle whether your country has such measures in place.* *YES* *NO*

*If yes, please provide appropriate documentation demonstrating such measures. Such documentation may include procedures, legislation, regulations, or other measures at the national level and shall provide sufficient detail to demonstrate the effectiveness of such measures.*

*In addition, mercury may only be exported by a Party to a non-Party for a use allowed to a Party under the Convention or for environmentally sound storage, as set out in Article 10 of the Convention. What is the purpose of the import of the mercury? Please circle:*

*i.* *Environmentally sound interim storage in accordance with Article 10:*
*YES* *NO*
*If yes, please specify the intended use if known.*
*Tel:*

*ii.* *Use allowed to a Party under the Convention:* *YES* *NO*
*If yes please specify additional details about the intended use of the mercury.*

***Section E:*** ***Shipping information, as appropriate***

*Importer*

*Name of business:*
*Address:*
*Fax:*
*Email:*

*Exporter*

*Name of business:*
*Address:*
*Tel:*
*Fax:*
*Email:*

***Section F: Indication of consent by the importing non-Party***

*Nature of consent, please circle:*

*GRANTED* *DENIED*

*Please use the space below to indicate any conditions, additional details or relevant information.*

_____

_____

*Signature of importing non-Party responsible government official and date*

*Name:*
*Title:*
*Signature:*
*Date:*

## *FORM C*

### *Form for non-Party certification of the source of mercury to be exported to a Party To be used in conjunction with form A or form D, when required*

*Article 3, paragraph 8, of the Convention provides that a Party shall not allow the import of mercury from a non-Party to whom it will provide its written consent unless the non-Party has provided certification that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b), i.e., that it is not from primary mercury mining or mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.*

***Section A: Shipment information to be provided by the exporting non-Party***

*Please indicate the approximate total quantity of mercury to be shipped:*

*Please indicate the approximate date of shipment:*

***Section B: Shipping information, as appropriate***

*Importer*

*Name of business:*
*Address:*
*Tel:*
*Fax:*
*Email:*

*Exporter*

*Name of business:*
*Address:*
*Tel:*
*Fax:*
*Email:*

***Section C: Certification***

*In accordance with Article 3, paragraph 8, of the Convention, my Government certifies that the mercury included in the shipment described in this form is not:*

*(i) From primary mercury mining; or*

*(ii) Mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.*

*Supporting information* _____

*Signature of responsible government official and date*

*Name:*
*Title:*
*Signature:*
*Date:*

## *FORM D*

### *Form for general notification of consent to Import Mercury*

*Article 3, paragraph 7, of the Convention provides that an exporting Party may rely on a general notification to the Secretariat by the importing Party or non-Party as the written consent required by paragraph 6 of Article 3. Such general notification shall set out any terms and conditions under which the importing Party or non-Party provides its consent. The Secretariat shall keep a public register of all such notifications.*

*The notification may be revoked at any time by that Party or non-Party. A Party or non-Party that revokes its notification should provide a written request to the Secretariat to be removed from the public register of general notifications and indicate the effective date of the revocation.*

*Parties are reminded that provision or acceptance of a general notification according to Paragraph 7 of Article 3 addresses only the requirement for written consent for each shipment of mercury. It does not absolve Parties of other obligations under the Convention, in particular under paragraphs 6 and 8 of Article 3 (see form C).*

***Section A: Contact information for general notifications of consent***

*Name of Party or non-Party:*

*Designated national focal point or name of government agency and official:*
*Address:*
*Tel:*
*Fax:*
*Email:*

***Section B: General notification of consent***

*My Government hereby provides a general notification of consent to imports of mercury. An exporting Party may rely on this general notification as the written consent required by Article 3, paragraph 6, of the Convention.*

***Section C: Terms and conditions of general notifications***

*Please use the space below to specify any terms and conditions:*

_____

_____

***Section D: Certifications from a non-Party (this section is not applicable to Parties)***

*In accordance with Article 3, paragraph 6, of the Convention, my Government certifies that:*

*It has measures in place to ensure the protection of human health and the environment and to ensure its compliance with the provisions of Articles 10 and 11 of the Convention. Please provide appropriate documentation demonstrating such measures. Such documentation may include procedures, legislation, regulations or other measures at the national level and shall provide sufficient detail to demonstrate the effectiveness of such measures; and*

*The imported mercury covered by this general notification of consent will be used only for a use allowed to a Party under the Convention or for environmentally sound interim storage as set out in Article 10 of the Convention.*

*For uses allowed under the Convention or for environmentally sound interim storage, please provide information if available about the intended use of the mercury.*

_____

_____

_____

*Signature of responsible government official and date*

*Name:*
*Title:*
*Signature:*
*Date:*

***Registry of general notifications of consent***

| ***Country*** | ***Notification documentation*** |
|---|---|
| | *As provided (this would be a hyperlink to the completed form as provided by the Party or non-Party)* |

**Notification for the register of information supplied by parties choosing not to apply paragraph 8 of article 3 of the Minamata Convention on Mercury**

Party: _____

Comprehensive export restrictions in place:

_____

_____

_____

_____

_____

_____

_____

_____

Domestic measures in place to ensure environmentally sound management of imported mercury:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Mercury imports from non-parties:

| Country of origin | Quantity imported |
|---|---|
| | |
| | |
| | |
| | |
| | |

*Note*: if additional space is needed for any answer, please use additional pages.

# Annex II

## Proposed format for the registration of exemptions for the products and processes listed in Part I of Annexes A and B

## Annex A: Mercury-added products

| REGISTRATION OF EXEMPTION FOR ARTICLE 4 | | |
|---|---|---|
| **PARTY:** | | |
| The Secretariat of the Minamata Convention is hereby notified of the registration of the following exemption pursuant to paragraph 1 of article 6 of the Convention. No exemption is required for products excluded from Annex A. | | |
| **Mercury added products, as listed in Part I of Annex A** | **Indicate the category or subcategory for which the exemption is being registered, and whether it is for manufacture, import and/or export.** | **Duration of exemption (if less than five years past the phase-out date)** |
| Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2% | | |
| Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay | | |
| Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner | | |
| Linear fluorescent lamps (LFLs) for general lighting purposes:<br>(a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp;<br>(b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp | | |
| High pressure mercury vapour lamps (HPMV) for general lighting purposes | | |
| Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays:<br>(a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp<br>(b) medium length (> 500 mm and ≤ 1,500 mm) with mercury content exceeding 5 mg per lamp<br>(c) long length (> 1,500 mm) with mercury content exceeding 13 mg per lamp | | |

| | | |
|---|---|---|
| Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available[1] | | |
| Pesticides, biocides and topical antiseptics | | |
| The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high-precision measurement, where no suitable mercury-free alternative is available:<br>(a) barometers;<br>(b) hygrometers;<br>(c) manometers;<br>(d) thermometers;<br>(e) sphygmomanometers. | | |

Please attach the explanatory statement on the need for an exemption, one statement per individual product category listed in Part I of Annex A.

As part of, or in addition to, the explanation of the need for the exemption, a registering Party may include, as appropriate, the following information:

- any timetable or plan of action to phase out the import, export, or manufacture or to adjust manufacturing specifications to comply with the mercury concentrations for products set out in Annex A; and
- information on the level of stocks of the product available nationally.

| **THIS NOTIFICATION IS SUBMITTED BY:** | | | |
|---|---|---|---|
| Job title: | | | |
| Institution/department: | | | |
| Address: | | | |
| Telephone: | Fax: | E-mail address: | |
| Contact name: | | Date: (*dd/mm/yyyy*) | |

| **PLEASE RETURN THE COMPLETED FORM TO:** | |
|---|---|
| Secretariat of the Minamata Convention on Mercury<br>United Nations Environment Programme (UNEP)<br>International Environment House<br>11–13, Chemin des Anémones, CH–1219 Châtelaine, Geneva, Switzerland | Fax: +41 22 797 3460<br>Email: mercury.chemicals@unep.org |

[1] The intention is not to cover cosmetics, soaps or creams with trace contaminants of mercury.

## Annex B: Processes that use mercury

**REGISTRATION OF EXEMPTION FOR ARTICLE 5**

**PARTY:**

The Secretariat of the Minamata Convention is hereby notified of the registration of the following exemption pursuant to paragraph 1 of article 6 of the Convention.

| **Manufacturing processes using mercury or mercury compounds set out in part I of Annex B** | **Indicate the category or subcategory for which the exemption is registered.** | **Duration of exemption (if less than five years past the phase-out date)** |
|---|---|---|
| Chlor-alkali production | | |
| Acetaldehyde production in which mercury or mercury compounds are used as a catalyst | | |

Please attach an explanatory statement on the need for the exemption, one statement per process category.

As part of, or in addition to, the explanation of the need for the exemption, the registering Party may include, as appropriate, the following information:

- any timetable or plan of action to phase out the use of mercury in facilities; and
- identification of the facilities for which an exemption is being registered, including the capacity of the facilities and the expected annual use of mercury by the facilities.

**THIS NOTIFICATION IS SUBMITTED BY:**

| | | | |
|---|---|---|---|
| Job title: | | | |
| Institution/department: | | | |
| Address: | | | |
| Telephone: | Fax: | E-mail address: | |
| Contact name: | | Date: (*dd/mm/yyyy*) | |

**PLEASE RETURN THE COMPLETED FORM TO:**

| | |
|---|---|
| Secretariat of the Minamata Convention on Mercury<br>United Nations Environment Programme (UNEP)<br>International Environment House<br>11–13, Chemin des Anémones, CH–1219 Châtelaine, Geneva, Switzerland | Fax: +41 22 797 3460<br>Email: mercury.chemicals@unep.org |

## Proposed format for the register of exemptions from the phase-out dates listed in Part I of Annex A to the Minamata Convention on Mercury

| *Party* | ***Indicate the specific category/subcategory for which the exemption is registered and whether the exemption is for manufacture, import and/or export.*** | ***Explanation for the exemption***<br><br>***As provided*** *(this would be a hyperlink to the statement as provided by the Party)* | ***Expiry date for the exemption***[a] |
|---|---|---|---|

[a] Unless otherwise indicated by the Party, all exemptions expire five years after the relevant phase-out date listed in Part I of Annex A.

## Proposed format for the register of exemptions from the phase-out dates listed in Part I of Annex B to the Minamata Convention on Mercury

| *Party* | ***Specific category/subcategory for which an exemption is registered*** | ***Explanation for the exemption***<br><br>***As provided*** *(this would then be a hyperlink to the statement as provided by the Party)* | ***Expiry date for the exemption***[a] |
|---|---|---|---|

[a] Unless otherwise indicated by the Party, all exemptions expire five years after the relevant phase-out date listed in Part I of Annex B.

# Annex III

## I. Matters relating to the Global Environment Facility

### A. Guidance to the Global Environment Facility in implementation of the mercury programme of the GEF-6 chemicals and waste focal area strategy

The contact group on financial issues suggests that the intergovernmental negotiating committee:

Request the Global Environment Facility to apply the following eligibility criteria in providing financial support to developing countries and countries with economies in transition for activities under the Minamata Convention on Mercury:

**Eligibility criteria**

(a) Parties to the Convention;

(b) Signatories to the Convention in undertaking activities, particularly enabling activities, to facilitate early implementation and ratification of the Convention;

(c) Non-signatories to the Convention, for enabling activities, provided that any such State is taking meaningful steps towards becoming a Party as evidenced by a letter from the relevant minister to the Executive Director of the United Nations Environment Programme and to the Chief Executive Officer and Chairperson of the Global Environment Facility.

**Provisional guidance for the implementation of the GEF-6 chemicals and waste focal area strategy as it relates to mercury**

The contact group on financial issues suggests that the intergovernmental negotiating committee:

1. Welcome the GEF-6 chemicals and waste focal area strategy;

2. Recall paragraph 8 of article 13 of the Minamata Convention on Mercury;

3. Also recall paragraph 3 of resolution II on financial arrangements of the Final Act of the Minamata Convention;

4. Request the Global Environment Facility to consider the following activities when providing financial resources to developing countries and countries with economies in transition:

(a) Enabling activities as outlined in the *Initial Guidelines for Enabling Activities for the Minamata Convention on Mercury* of the Global Environment Facility, particularly Minamata Convention initial assessment activities and national action plans for artisanal and small-scale gold mining, to facilitate ratification;

(b) Activities to implement the provisions of the Convention, affording priority to those that:

(i) Relate to legally-binding obligations;

(ii) Facilitate early implementation on entry into force;

(iii) Allow for reduction in mercury emissions and releases and address the health and environmental impacts of mercury.

### B. Memorandum of understanding between the GEF Council and the Conference of the Parties to the Minamata Convention on Mercury

The contact group on financial issues suggests that the intergovernmental negotiating committee:

Recall paragraph 2 of resolution II on financial arrangements of the Final Act of the Minamata Convention;

Request the interim secretariat of the Minamata Convention on Mercury to continue to collaborate with the GEF secretariat in the elaboration of a memorandum of understanding between the GEF Council and the Conference of the Parties to the Minamata Convention for consideration at the seventh session of the Intergovernmental Negotiating Committee and adoption at the first meeting

of the Conference of Parties to the Minamata Convention on Mercury. In so doing, the interim secretariat should take into account experience gained under relevant multilateral environmental agreements and discussions at the sixth session of the Intergovernmental Negotiating Committee.

## II. Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management

The contact group on financial matters suggests that the intergovernmental negotiating committee:

Welcome United Nations Environment Assembly resolution 1/5, by which the Assembly established the special programme to support institutional strengthening at the national level for the implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management, and look forward to the early start of the special programme's operations, in particular regarding institutional strengthening for the ratification and early implementation of the Minamata Convention.

## III. Intersessional work

### Ad hoc working group of experts on financing

The contact group on financial matters suggests that the intergovernmental negotiating committee:

Agree to establish an ad hoc working group of experts on financing;

Decide that the ad hoc working group of experts will meet once intersessionally before the seventh session of the intergovernmental negotiating committee;

Further decide that the mandate of the ad hoc working group of experts is to provide input to the intergovernmental negotiating committee at its seventh session in implementing the decision of the Conference of Plenipotentiaries, as outlined in paragraph 6 of resolution 2 of the Final Act, on financial arrangements, which is " ... to develop for consideration by the Conference of the Parties at its first meeting a proposal for the hosting institution for the specific international programme, including any necessary arrangements with the hosting institution, as well as guidance on operation and duration of that programme";

Decide that the ad hoc group's input to the seventh session of the intergovernmental negotiating committee should be prepared within the context of the financial mechanism and other available sources of financing, including the special programme on institutional strengthening at the national level;

Invite the ad hoc working group of experts to take into consideration the meeting report of sixth session of the intergovernmental negotiating committee, including the relevant annex;

Request the interim secretariat to invite and compile comments from the intergovernmental negotiating committee parties on the above-mentioned mandate, as well as subsequently to prepare a document outlining options for hosting institutions for the specific international programme and any necessary information available on arrangements with the hosting institutions, in order to inform the work of the ad hoc working group of experts prior to its meeting;

Decide that the ad hoc working group of experts will comprise two co-chairs appointed by the intergovernmental negotiating committee at its sixth session as well as experts from each of the five United Nations regional groups, as follows: three from Africa, five from Asia and the Pacific, two from Central and Eastern Europe, three from Latin America and the Caribbean and six from the Western European and other States. The meeting would be supported by the presence of the Chair of the committee and assisted by the secretariat;

The GEF secretariat would be invited to participate as an observer to support the work of the ad hoc expert group. As decided by the co-chairs, technical advisors from relevant institutions may be invited as observers. By 31 December 2014, the regions would nominate their representatives for the ad hoc working group through their Bureau members;

Request the co-chairs of the ad hoc working group of experts to present the required input to the intergovernmental negotiating committee at its seventh session the in the form of a co-chairs' report on the group's work.

# Appendix

## Co-chairs summary and compilation of views expressed during an initial discussion on the specific international programme for the Minamata Convention on Mercury

UNEP special programme: The UNEP secretariat gave a presentation on the Special Programme on institutional strengthening at the national level, which covered the Minamata as well as the Basel, Rotterdam and Stockholm conventions and the Strategic Approach. One delegate suggested that the intergovernmental negotiating committee welcome the establishment of the special programme by the United Nations Environment Assembly of the United Nations Environment Programme and its availability to support institutional strengthening activities for the Minamata Convention.

Paragraphs 6 and 9 of article 13 of the Minamata Convention as well as resolution 2, paragraph 6, of the Final Act were referenced as the starting point for the work on the specific international programme.

Delegates expressed initial and general views on the specific international programme, including on possible elements and processes to guide its further development, summarized below in no particular order.

**Possible elements of the specific international programme**

- Definition of capacity-building and technical assistance
    - Article 14 provides a possible definition of capacity building and technical assistance as it relates to the specific international programme.
    - The specific international programme could support the implementation of legally binding commitments under the Convention that require capacity-building, including institutional strengthening, and technical assistance.
    - An indicative list of activities to be covered by the specific international programme should be developed.
    - Consideration should be given to whether it is necessary to define the terms beyond what is currently in the Convention.
- Scope
    - Avoid duplication with other financial mechanisms.
    - Supplement other financial mechanisms by focusing on: (i) non-GEF and non-Special Programme activities; (ii) providing additional, complementary sources and amounts of funding.
    - The specific international programme should be broader than the Special Programme's focus on institutional strengthening.
    - The scope of the specific international programme could be defined against an agreed indicative list of activities to be eligible under the programme.
- Independent/"Stand alone" programme
    - While hosted in an existing institution, operation of the specific international programme should be independent so that funding is guaranteed for purposes of the Convention.
    - The specific international programme should be independent but not isolated in the delivery of sources of funding for capacity-building and technical assistance and should be efficient and effective, cooperating with other funding sources as appropriate.
- Governance/Administrative structure
    - Hosting institution and duration need to be determined by the Conference of the Parties at its first meeting

- The secretariat, or an intersessional working group, could be tasked with identifying options for the host institution, within existing institutions, for consideration by the intergovernmental negotiating committee.

- Need for clear governance procedures and accountability to the Conference of the Parties

  - The intergovernmental negotiating committee has the responsibility to ensure that the arrangements for the specific international programme are elaborated for adoption at the first meeting of the Conference of the Parties.

  - Roles and responsibilities of possible key players (Conference of the Parties, secretariat and administrative body for the specific international programme).

- Development of a resource-mobilization strategy

  - The specific international programme should be situated within the context of an integrated approach to financing the sound management of chemicals and wastes and its three elements – mainstreaming, industry involvement and dedicated external financing.

  - A strategic framework for broadening the donor base and reaching out to the private sector and other potential donors to ensure sustainability is needed.

- Relationship with other funding programmes

  - Complementarity with other programmes is important.

    - E.g., with GEF, the Special Programme, (also bilateral and multilateral funding, the UNEP mercury trust fund, the future Minamata Convention trust fund, trust funds under other multilateral environmental agreements in the chemicals and wastes cluster that deal with technical assistance).

  - The specific international programme needs to provide added value to other financial mechanisms.

- Access to funds

  - Ease of access to funds.

  - Possibility for direct access, especially for requests from least developed countries and small-island developing States.

**Next Steps / Process to further develop the specific international programme going towards the seventh session of the intergovernmental negotiating committee**

Three proposals were introduced by delegates as possible ways to move the discussion on the specific international programme forward.

- Proposal A: Secretariat to undertake work in the intersessional period

  - Provide information, options and cost implications, etc , to inform future discussions, including on the hosting institution.

  - Provide a road map from the diplomatic conference resolution to the required decision at the first meeting of the Conference of the Parties on the specific international programme to enable a structured, step-wise discussion heading into the seventh session of the intergovernmental negotiating committee.

- Proposal B: Intersessional work by an expert group

  - The purpose of such a group would be to further develop the specific international programme in a small group format, focused on paragraph 9 of Article13, with the outcome to be considered at the seventh session of the intergovernmental negotiating committee.

  - In this case, the intergovernmental negotiating committee at its sixth session should provide defined terms of reference (based on the model used at the Hungary expert group meeting on financing, held between the third and fourth sessions of the intergovernmental negotiating committee).

- Proposal C: Combination of proposals A and B.

# Annex IV

## Draft reporting format for the Minamata Convention on Mercury

### Reporting on measures to be taken to implement the provisions of the Convention, the effectiveness of such measures and the challenges encountered

**INSTRUCTIONS**

Pursuant to article 21 of the Minamata Convention on Mercury, each Party to the Convention shall report to the Conference of the Parties on the measures it has taken to implement the provisions of the Convention and on the effectiveness of such measures and the possible challenges in meeting the objectives of the Convention.

Parties are requested to use the attached reporting form to report in accordance with article 21. An electronic version of the format is available for download from the Convention's home page: http://www.mercuryconvention.org. Hard copies and electronic versions in CD format are also available upon request from the secretariat (see below for contact details). Subsequent to the first report, the secretariat will send out an electronic version of a Party's previous national report so that it can be updated, as appropriate.

Part A of the reporting format calls for general information on the party for which the report is being submitted, such as the name and contact details of the national focal point submitting the report on behalf of the party. It is expected that this national focal point will have been designated by the party in accordance with article 17, paragraph 4, of the Convention. It is important that all relevant information be provided in order to assist the secretariat in identifying the completed report.

Part B of the format calls for information on the measures taken by the party to implement the relevant provisions of the Minamata Convention and on the effectiveness of such measures in meeting the objectives of the Convention.

Note that the effectiveness of implementing measures that are described by a Party is separate from the evaluation of the effectiveness of the treaty under Article 22. Description of the effectiveness of the implementing measures should be provided based on a Parties' particular situation and capabilities, but should nevertheless be handled as consistently as possible in each Party's report. If any requested information is not available, this should be indicated, along with an explanation.

Part C provides an opportunity to comment on possible challenges in meeting the objectives of the Convention.

Part D provides an opportunity to comment on the reporting format and possible improvements.

Additional information to supplement that requested may be attached.

Completed reporting formats must be submitted to the Conference of the Parties through the Minamata Convention secretariat. Further information and assistance may be sought from the secretariat at the following address:

**Secretariat for the Minamata Convention**

United Nations Environment Programme

*To be completed*

Internet home page: www.mercuryconvention.org

## Part A

| *Minamata Convention on Mercury*<br>*National Report pursuant to Article 21* | |
|---|---|
| 1. Information on the Party | |
| Name of Party | |
| Date on which its instrument of ratification, accession, approval or acceptance was deposited | *(day/month/year)* |
| 2. Information on the national focal point | |
| Full name of the institution | |
| Name and title of contact officer | |
| Mailing address | |
| Telephone number | |
| Fax number | |
| Email | |
| Web page | |
| 3. Information on the contact officer submitting the reporting format if different from the above | |
| Full name of the institution | |
| Name and title of contact officer | |
| Mailing address | |
| Telephone number | |
| Fax number | |
| Email | |
| Web page | |
| 4. Period reported | *First report for the period (day/month/year) to (day/month/year)* |
| 5. Date the report was submitted | *(day/month/year)* |

## Part B

**Article 3: Mercury supply sources and trade**

1. Does the party have any primary mercury mines that were operating within its territory at the date of entry into force of the Convention for the party? **[Para 3]**

Yes

No

If **yes**, please indicate:

a) the anticipated date of closure of the mine[s]: [*month, year*] OR

b) the date upon which the mine[s] closed: [month, year]

If the party answered yes above, please indicate [yearly information on the amounts of] [whether the] mercury from this primary mercury mine [that] was used [Para 4]

a. For manufacture of products pursuant to Article 4 -[_____ tons per year]

b. For processes using mercury pursuant to Article 5 [_____ tons per year]

c. For disposal pursuant to Article 11 [_____ tons per year]

d. Other (please elaborate) [_____ tons per year]

2. Does the party have any primary mercury mines that are now in operation that were not previously in operation at the time of entry into force of the Convention for the party? **[Para 3, Para 11]**

☐ Yes

☐ No

If **yes**, please explain.

3. Has the party endeavoured to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons and sources of mercury supply generating stocks exceeding 10 metric tons per year that are located within its territory? **[Para 5]**

☐ Yes

☐ No

a) Are there individual stocks of mercury or mercury compounds exceeding 50 metric tons within the party's territory? **[Para 5 (a)]** [Supplemental information]

☐ Yes

☐ No

☐ Do not know (please explain)

If **yes**, what is the total amount of those stocks?... metric tons

b) Are there sources of mercury supply generating stocks exceeding 10 metric tons per year located within the party's territory? **[Para 5 (a)]** [Supplemental information]

☐ Yes

☐ No

☐ Do not know (please explain)

[ c) If the party answered yes above, please indicate yearly information on the amounts of mercury that was used **[Para 5 (a)]**

a. For manufacture of products pursuant to Article 4 ☐ [_____ tons per year]

b. For processes using mercury pursuant to Article 5 ☐ [_____ tons per year]

c. For disposal pursuant to Article 11 ☐ [_____ tons per year]

d. Other (please elaborate) ☐ [_____ tons per year]
]

If **yes**, what is the total amount of those stocks? ... metric tons

4. Does the party have excess mercury available from decommissioning of chlor-alkali facilities? **[Para 5 (b)]**

☐ Yes

☐ No

If **yes**, please explain the measures taken to ensure that the excess mercury was disposed of in accordance with the guidelines for environmentally sound management referred to in Article 11.3(a) using operations that did not lead to recovery, recycling reclamation, direct re-use or alternative uses. **[Para 5 (b), para 11]**

[5. Have there been exports of mercury from or imports of mercury to the party's territory, including any trade with non-parties, in the reporting period? **[Para 6]**

Yes

No

If **yes**, please indicate whether it was for :

(a) Manufacture of products pursuant to Article 4

(b) Processes using mercury pursuant to Article 5

(c) Interim storage pursuant to Article 10

(d) Disposal pursuant to Article 11

and whether any certifications were received in relation to such trade. ]

[Alt 5. Have there been exports of mercury from or imports of mercury to the party's territory, including any trade with non-parties, in the reporting period? **[Para 6]**

Yes

No

If **yes**, please indicate whether it was imported for:

(a) Manufacture of products pursuant to Article 4 ____ tons per year

(b) Processes using mercury pursuant to Article 5 ____ tons per year

(c) Interim storage pursuant to Article 10 ____ tons per year

(d) Disposal pursuant to Article 11 ____ tons per year

and whether any certifications were received in relation to such trade.

If **yes**, please indicate whether it was exported for:

(a) Manufacture of products pursuant to Article 4 ____ tons per year

(b) Processes using mercury pursuant to Article 5 ____ tons per year

(c) Interim storage pursuant to Article 10 ____ tons per year

(d) Disposal pursuant to Article 11 ____ tons per year

and whether any certifications were received in relation to such trade.]

If available, please provide information on the quantities[, exporters and importers]. [Supplemental information]

[6. Has the party allowed the import of mercury from a non-Party?

Yes

No

If **yes**, did the non-Party provide certification that the mercury is not from sources as identified under paragraph 3 or paragraph 5(b) of article 3? **[Para 8]**

Yes

No

If **no,** please explain.]

[7. Has the party invoked paragraph 9 of article 3, and decided not to apply paragraph 8? **[Para 9]**

Yes

No

If **yes**, has the party submitted a notification of a decision to not apply paragraph 8, to the secretariat?

Yes

No

If **no**, please explain. ]

[8. Do you have any other general comments on Article 3.]

**Article 4: Mercury-added products**

1. Are there measures in place to prevent the manufacture, import or export of mercury-added products listed in Part I of Annex A of the Convention after the phase-out date specified for those products? **[Para 1]**

Yes

No

If **yes**, please provide information on the measures:

If **no**, has the party registered for an exemption pursuant to Article 6?

Yes

No

If **yes**, for which products? (please list) **[Para 1, para 2 (d)]**

If **no**, has the party applied the alternative measures set out in paragraph 2 of Article 4?

Yes

No

If **no**, go to 3 below

2. If **yes** (implementing paragraph 2, article 4): **[Para 2]**

Has the party reported at the first opportunity to the Conference of the Parties a description of the measures or strategies implemented, including a quantification of the reductions achieved? **[Para 2 a]**

Yes

No

Has the party implemented measures or strategies to reduce the use of mercury in any products listed in Part I of Annex A for which a de minimis value has not yet been obtained? **[Para 2b]**

Yes

No

If **yes**, please provide information on the measures.

Has the party [identified] [considered] additional measures to achieve further reductions? **[Para 2c]**

Yes

No

If **yes**, please provide information on the measures.

3. Has the party taken measures for the mercury-added products listed in Part II of Annex A in accordance with the provisions set out therein? **[Para 3]**

Yes

No

If **yes**, please provide information on the measures.

4. Has the party taken measures to prevent the incorporation into assembled products of mercury-added products the manufacture, import and export of which are not allowed under Article 4 6? **[Para 5]**

Yes

No

If **yes**, please provide information on the measures.

5. Has the party discouraged the manufacture and the distribution in commerce of mercury-added products not covered by any known use? **[Para 6]**

Yes

No

If **yes**, please provide information on the measures taken.

If **no**, has there been an assessment of the risks and benefits of the product that demonstrates environmental or health benefits, has the party provided to the Secretariat, as appropriate, information on any such product?

Yes – Please name product:_____

No

[8. Do you have any other general comments on Article 4.]

**Article 5: Manufacturing processes in which mercury or mercury compounds are used**

1. Are there facilities within the territory of the party that use mercury or mercury compounds for the processes listed in Annex B of the Minamata Convention in accordance with paragraph 5 (b) of Article 5 of the Convention? **[Para 5]**

Yes

No

Do not know (*please explain*)

If **yes**, please provide information on measures taken to address emissions and releases of mercury or mercury compounds from such facilities.

If available, please provide information on the number and type of facilities and the estimated annual amount of mercury or mercury compounds used in those facilities.~~2~~ [Supplemental information]

2. Are there measures in place to not allow the use of mercury or mercury compounds in manufacturing processes listed in Part I of Annex B after the phase-out date specified in that Annex for the individual process? **[Para 2, Para 5(b)]**

Chlor-alkali production:

- Yes
- No
- Not applicable (do not have these facilities)

If **yes**, please provide information on these measures.

Acetaldehyde production in which mercury or mercury compounds are used as a catalyst:

- Yes
- No
- Not applicable (do not have these facilities)

If **yes**, please provide information on these measures.

If **no** to either of the questions above, has the party registered for an exemption pursuant to Article 6?

- Yes
- No

If **yes**, for which process(es)? (please list)

3. Are measures in place to restrict the use of mercury or mercury compounds in the processes listed in Part II of Annex B in accordance with the provisions set out therein? **[Para 3, Para 5(b)]**

Vinyl chloride monomer production:

- Yes
- No
- Not applicable (do not have these facilities)

If **yes**, please provide information on these measures.

Sodium or Potassium Methylate or Ethylate:

- Yes
- No
- Not applicable (do not have these facilities)

If **yes**, please provide information on these measures.

Production of polyurethane using mercury containing catalysts:

- Yes
- No
- Not applicable (do not have these facilities)

If **yes**, please provide information on these measures.

4. Is there any use of mercury or mercury compounds in a facility that did not exist prior to the date of entry into force of the Convention for that party using the manufacturing processes listed in Annex B? **[Para 6]** [Supplemental information]

Yes

No

If **yes**, please explain the circumstances.

5. Is there any facility that has been developed using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention? **[Para 7]** [Supplemental information]

Yes

No

If **yes**, please provide information on how the party tried to discourage this development or that the party has demonstrated the environmental and health benefits to the Conference of the Parties [and that there are no technically and economically feasible mercury-free alternatives available providing such benefits].

**Article 7: Artisanal and small-scale gold mining**

[1.] [2.] [Is artisanal and small-scale gold mining and processing in the party's territory more than insignificant? **[Para 3]**

Yes

No

Do not know (*please explain*)

[If **no**, please proceed to Article 8 on Emissions.]

If **yes**, ] [H][h]as the party notified the secretariat that artisanal and small-scale gold mining within its territory is more than insignificant?

Yes

No

[[2.] [1.] [Are there measures in place][Have steps been taken] to reduce, and where feasible, eliminate, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from artisanal and small-scale gold mining [that is more than insignificant][subject to Article 7 within your territory]? **[Para 2]**

Yes

No

If **yes**, please provide information on measures.]

3. Has the party developed and implemented a national action plan and submitted it to the Secretariat? **[Para 3(a) and 3(b)]**

Yes

No

In progress

4. [Attach your most recent review that must be completed per Article 7, paragraph 3 (c), unless it is not yet due.] [Has the party provided a review every three years of the progress made in meeting its obligations? **[Para 3(c)]**

☐ Yes

☐ No

☐ three year review not yet due]

[5. Has the party cooperated with other countries or relevant intergovernmental organizations or other entities to achieve the objective of this article?

☐ Yes

☐ No

If **yes**, please provide information.]

**Article 8: Emissions**

1. Are there, within the party's territory, relevant sources falling within one of the source categories listed in Annex D? **[Para 3]**

☐ Yes

☐ No

☐ Do not know (*please explain*)

[If yes, please indicate the measures taken to address emissions from these relevant sources and the effectiveness of those measures]

[

2. Are there, within the party's territory, new relevant sources of emissions of mercury or mercury compounds as [defined in paragraph 2 (c) of Article 8] [set out in Annex D to the Minamata Convention that have been constructed since the Convention entered into force for the party]? **[Para 4]**

☐ Yes

☐ No

☐ Do not know (*please explain*)

If **yes**, please [describe the BAT/BEP measures implemented for new sources, taking into account the BAT/BEP guidance adopted by the COP to control and where feasible reduce emissions including the effectiveness of such measures. If applying emission limit values, please explain how they are consistent with best available techniques.] [indicate the measures [taken by the party] [set out in the BAT/BEP guidance] that have been used to control and where feasible reduce emissions and if so, what is the effectiveness of those measures: ]

[Have the BAT/BEP techniques for new sources been applied no later than 5 years after the date of entry into force of the Convention for the party?

☐ Yes

☐ No *(please explain)]*

[

| New Point sources | Yes, measures [as outlined within the BAT/BEP guidance,] have been put in place.<br>Please provide an explanation [including emission limit values]. | No | Not applicable (no new relevant source) |
|---|---|---|---|
| Coal-fired power plants | | | |
| Coal-fired industrial boilers | | | |
| Smelting and roasting processes used in the production of non-ferrous metals | | | |
| Waste incineration facilities | | | |
| Cement clinker production facilities | | | |

]]

[3. *Have measures been implemented for a party's existing sources, and if so, what is the effectiveness of those measures?* **[Para 5]**

[

| Existing Point sources | Yes, measures have been put in place.<br>Please provide an explanation. | No | Not applicable (do not have these facilities) |
|---|---|---|---|
| Coal-fired power plants | | | |
| Coal-fired industrial boilers | | | |
| Smelting and roasting processes used in the production of non-ferrous metals | | | |
| Waste incineration facilities | | | |
| Cement clinker production facilities | | | |

]]

[Alt 3. Are there within the party's territory any existing sources of emissions of mercury or mercury compounds as defined in paragraph 2 (c) of Article 8?

Yes

No

Do not know *(please explain)*

If **yes**, please select and provide detail on the measures implemented under paragraph 5 of Article 8 for an existing source category taking into account the guidance adopted by the COP to address emissions, and explain the progress that these applied measures achieve in reducing emissions over time in your territory.

A quantified goal for controlling and, where feasible, reducing emissions from relevant sources;

Emission limit values for controlling and, where feasible, reducing emissions from relevant sources;

The use of best available techniques and best environmental practices to control emissions from relevant sources;

A multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions;

Alternative measures to reduce emissions from relevant sources.

Have the measures for existing sources under paragraph 5 of Article 8 been implemented no later than 10 years after the date of entry into force of the Convention for the party?

Yes

No *(please explain)*]

4. Has the party prepared an inventory of emissions from relevant sources [within 5 years of entry into force of the Convention for it]? **[Para 7]**

Yes

No

[ Have not been a party for 5 years

If **yes**, has the party maintained its inventory?

Yes

No]

[Please indicate where this inventory is available.]

[Was the inventory of emissions from relevant sources established no later than 5 years after the date of entry into force of the Convention for the party?

Yes

No *(please explain)*]

[ 5. Has the party chosen to establish criteria to identify relevant sources covered within a source category ?

Yes

No

If **yes**, please explain how the criteria for any category include at least 75 percent of the emissions from that category and explain how the party took into account guidance adopted by the COP.

6. Has the party chosen to prepare a national plan setting out the measures to be taken to control emissions from relevant sources and its expected targets, goals and outcomes?

Yes

No

If **yes**, has the party submitted its national plan under this article no later than 4 years after the date of entry into force of the Convention for your party?

Yes

No *(please explain)*]

**Article 9: Releases**

1. Are there, within the party's territory, relevant [point] sources of releases? **[Para 4]**

Yes

No

Do not know *(please explain)*

If **yes**, please indicate the measures taken to address releases from relevant sources and the effectiveness of those measures. **[Para 5]**

[

2. Has the party [established] [prepared] an inventory of releases from relevant sources [within 5 years of entry into force of the convention for it]? **[Para 6]**

Yes

No

[ Have not been a party for 5 years

If **yes**, has the party maintained its inventory?

Yes

No] ]

[Please indicate where the information is available]

[3. Please select and provide details on the measures implemented under paragraph 5 of Article 9 for a relevant source and explain the progress that these applied measures achieve in reducing releases over time in your territory.

Release limit values for controlling and, where feasible, reducing releases from relevant sources;

The use of best available techniques and best environmental practices to control releases from relevant sources;

A multi-pollutant control strategy that would deliver co-benefits for control of mercury releases;

Alternative measures to reduce releases from relevant sources.

]

**Article 10: Environmentally sound interim storage of mercury, other than waste mercury**

1. Has the party taken measures to ensure that the interim storage of non-waste mercury and mercury compounds intended for a use allowed is undertaken in an environmentally sound manner? **[Para 2]**

Yes

No

Do not know (*please explain*)

If **yes**, please indicate the measures taken to ensure that that such interim storage is undertaken in an environmentally sound manner and the effectiveness of those measures.

**Article 11: Mercury wastes[2]]**

1. Have measures outlined in Article 11 paragraph 3 been implemented for a party's mercury waste? **[Para 3]**

Yes

No

If **yes**, please describe measures pursuant to paragraph 3, and please also describe the effectiveness of those measures:

[Are there facilities for managing mercury waste in the party's territory?

Yes

No

Do not know (*please explain*)

If **yes**, please indicate the measures taken to ensure that mercury waste is managed in accordance with paragraph 3 of Article 11 and the effectiveness of those measures.]

[2] [Parties should take account of corresponding reporting under the Basel Convention]

**Article 12: Contaminated sites**

1. Has the party endeavoured to develop strategies for identifying and assessing sites contaminated by mercury or mercury compounds in its territory? **[Para 1]**

Yes

No

Please elaborate

**[Article 13: Financial resources and mechanism**

1. Has the party provided, within its capabilities, resources in respect of those national activities that are intended to implement the Convention in accordance with its national policies, priorities, plans and programmes? **[Para 1]**

Yes *(please specify)*

No *(please specify why)*

Other *(please specify)*

2. Has the party, within its capability, contributed to the mechanism for the provision of financial resources? **[Para 12]**
[Supplemental information]

*(Please tick one box only)*

Yes *(please specify)*

No *(please specify why)*

Other *(please provide information)*

3. Has the party provided financial resources to assist developing country parties and/or parties with economies in transition in the implementation of the Convention through other bilateral, regional and multilateral sources or channels? **[Para 3]** [Supplemental information]

*(Please tick one box only)*

Yes *(please specify)*

No *(please specify why)*

Other *(please provide information)*]

**Article 14: Capacity-building, technical assistance and technology transfer**

1. Has the party cooperated to provide capacity-building or technical assistance, pursuant to Article 14, to another party to the Convention? **[Para 1]**

Yes *(Please specify)*

No *(Please specify)*

2. Has the party received capacity-building or technical assistance pursuant to Article 14? **[Para 1]** [Supplemental information]

Yes *(please specify)*

No *(Please specify)*
[ No. The party is a developed country ]

[If **yes**, has the party considered that they received capacity-building or technical assistance [and transfer of technology] sufficient to implement the provisions of the Convention? Please describe]

3. Has the party promoted and facilitated the development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies? **[Para 3]**

*(Please tick one box only)*

Yes *(please specify)*

No (*please specify why*)

Other *(please provide information)*

**[Article 16: Health aspects**

1. Have measures been taken to provide information to the public [in accordance with paragraph 1 of Article 16]? **[Para 1]**

Yes

No

If **yes**, describe the measures that have been taken.

If **yes**, what has been the effectiveness of the measures?]

**Article 17: Information exchange**

1. Has the party facilitated the exchange of [the kinds of] information [listed in Article 17, paragraph 1]? **[Para 1]**

Yes

No

[If **yes**, what was the subject of the information that was exchanged:

If **yes**, was the information exchanged:

(a) Directly through the secretariat?

Yes

No

(b) In cooperation with other relevant organizations, including the secretariats of chemicals and wastes conventions?

Yes

No]

**Article 18: Public information, awareness and education**

1. Have measures been taken to [provide information] [promote and facilitate the provision] to the public [of the kinds of information listed in Article 18, paragraph 1]? **[Para 1]**

Yes

No

If **yes**, please indicate the measures that have been taken and the effectiveness of those measures?

**Article 19: Research, development and monitoring**

[1. Has the party undertaken any research, development and monitoring?] **[Para 1]**

Yes

No

If **yes**, please describe these actions [and any information on their effectiveness].

**[Article 20: Implementation plans**

1. Has the party developed an implementation plan for meeting its obligations under the Convention? **[Para 1]**

Yes

No

If **yes**, has the plan been submitted to the secretariat?

Yes

No]

**Part C: Comments regarding possible challenges in meeting the objectives of the Convention. [Art 21, Para 1]**

_____

_____

_____

**Part D: Comments regarding the reporting and possible improvements.**

[Supplemental information]

_____

_____

_____

# Annex V

## Draft rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury

## I. Introduction

**Rule 1**

The present rules of procedure shall apply to any meeting of the Conference of the Parties to the Minamata Convention on Mercury convened in accordance with Article 23 of the Convention.

**Rule 2**

For the purposes of the present rules:

1. "Convention" means the Minamata Convention on Mercury, adopted at Kumamoto, Japan, on 10 October 2013;

2. "Party" means a Party as defined in Article 2 (g) of the Convention;

3. "Conference of the Parties" means the Conference of the Parties established by Article 23 of the Convention;

4. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with Article 23 of the Convention;

5. "Regional economic integration organization" means an organization defined in paragraph (j) of Article 2 of the Convention;

6. "President" means the President of the Conference of the Parties elected in accordance with paragraphs 1 or 2 of rule 22;

7. "Secretariat" means the Secretariat established by paragraph 1 of Article 24 of the Convention;

8. "Subsidiary body" means any body established pursuant to paragraph 5 (a) of Article 23 of the Convention;

9. "Parties present and voting" means Parties present at the meeting in which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting;

10. "Chair" means chair or co-chairs as appropriate.

## II. Meetings

**Rule 3**

The meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

**Rule 4**

1. Unless otherwise decided by the Conference of the Parties, the second and third ordinary meetings of the Conference of the Parties shall be held yearly and, thereafter, ordinary meetings shall be held every two years.

2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting. The Conference of the Parties should endeavour not to hold such meetings at a time that would make the attendance of a significant number of delegations difficult.

3. Extraordinary meetings of the Conference of the Parties shall be held at such times as may be decided either by the Conference of the Parties at an ordinary meeting or at the written request of any Party, provided that, within ninety days of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary meeting held at the written request of a Party, it shall be held not more than ninety days after the date on which the request is supported by at least one third of the Parties in accordance with paragraph 3 of the present rule.

**Rule 5**

The Secretariat shall notify all Parties of the dates and venue of ordinary and extraordinary meetings at least sixty days before the meeting in question is due to commence.

## III. Observers

**Rule 6**

1. The United Nations, its specialized agencies, the International Atomic Energy Agency, as well as any State not party to the Convention and any entity operating the mechanism referred to in paragraph 5 of Article 13 of the Convention, may be represented at meetings as observers.

2. Such observers may, upon the invitation of the President, participate in the proceedings of any meeting without the right to vote, unless at least one third of the Parties present at the meeting object.

**Rule 7**

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at a meeting as an observer, may be so admitted, unless at least one third of the Parties present object.

2. Such observers may, upon the invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the meeting object.

**Rule 8**

The Secretariat shall notify those entitled to be observers and those that have informed the Secretariat of their wish to be represented, pursuant to rules 6 and 7 of the present rules of procedure, of the dates and venue of the next meeting.

## IV. Agenda

**Rule 9**

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

**Rule 10**

The provisional agenda of each ordinary meeting shall include, as appropriate:

1. Items arising from the articles of the Convention, including those specified in its Article 23;

2. Items the inclusion of which has been decided at a previous meeting;

3. Items referred to in rule 16 of the present rules of procedure;

4. The proposed budget as well as all questions pertaining to the accounts and financial arrangements;

5. Any item proposed by a Party and received by the Secretariat before the provisional agenda is circulated.

**Rule 11**

For each ordinary meeting, the provisional agenda, together with supporting documents, shall be issued in the official languages of the Conference of the Parties and distributed by the Secretariat to the Parties at least six weeks before the opening of the meeting.

**Rule 12**

The Secretariat shall, in agreement with the President, include any item that is proposed by a Party and has been received by the Secretariat after the provisional agenda for an ordinary meeting has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

**Rule 13**

When adopting the agenda for an ordinary meeting, the Conference of the Parties may decide to add, delete, defer or amend items. Only items that are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

**Rule 14**

The agenda for an extraordinary meeting shall consist only of those items proposed for consideration by the Conference of the Parties at an ordinary meeting or in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the notification of the extraordinary meeting.

**Rule 15**

The Secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report of the Secretariat on its administrative and budgetary implications.

**Rule 16**

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

## V. Representation and credentials

**Rule 17**

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

**Rule 18**

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

**Rule 19**

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the Secretariat if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

**Rule 20**

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties.

**Rule 21**

Representatives shall be entitled to participate provisionally in the meeting, pending a decision by the Conference of the Parties on their credentials.

## VI. Officers

**Rule 22**

1. At the commencement of the first ordinary meeting of the Conference of the Parties, a President and nine Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by two Bureau members. They shall remain in office until the closure of the second ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

2. At the second and subsequent ordinary meeting of the Conference of the Parties, a President and nine Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the meeting. These officers shall serve as the Bureau of the Conference of the Parties. Each of the five United Nations regional groups shall be represented by two Bureau members. These officers shall commence their term of office at the closure of the meeting at which they are elected and remain in office until the closure of the following ordinary meeting of the Conference of the Parties, including for any intervening extraordinary meeting.

3. The offices of the President and Rapporteur shall normally be subject to rotation among the United Nations regional groups. No elected officer may serve on the Bureau for more than two consecutive terms.

4. The President shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meetings and to exercise the right to vote.

5. The chairs of any subsidiary bodies shall be members ex-officio of the Bureau.

**Rule 23**

1. In addition to exercising the powers conferred upon the President elsewhere by the present rules, the President shall declare the opening and closing of the meeting, preside at the meeting, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to the present rules, shall have complete control of the proceedings and over the maintenance of order at the meeting.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

**Rule 24**

1. The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.

2. A Vice-President acting as President shall have the powers and duties of the President.

**Rule 25**

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's term.

## VII. Subsidiary bodies

**Rule 26**

Save as provided in rules 28–31, the present rules shall apply, mutatis mutandis, to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

**Rule 27**

1. The Conference of the Parties may establish, in accordance with paragraph 5 (a) of Article 23 of the Convention, such subsidiary bodies as it considers necessary for the implementation of the Convention.

2. Meetings of subsidiary bodies shall be held in public unless the Conference of the Parties or the subsidiary body concerned decides otherwise.

**Rule 28**

In the case of a subsidiary body that is not open-ended, a simple majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

**Rule 29**

The Conference of the Parties shall decide on the dates of the meetings of the subsidiary bodies, taking note of any proposals to hold such meetings in conjunction with the meetings of the Conference of the Parties.

**Rule 30**

The chair of any subsidiary body shall be elected by the Conference of the Parties unless the Conference of the Parties decides otherwise with due consideration to rotation. Each subsidiary body shall elect its own officers other than the chair. The officers of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms.

**Rule 31**

The Conference of the Parties shall determine the matters to be considered by each subsidiary body and the President may, upon the request of the Chair of the subsidiary body concerned, adjust the allocation of work.

## VIII. Secretariat

**Rule 32**

1. The head of the Secretariat, or the representative of the head of the Secretariat, shall exercise the functions of that office in all meetings of the Conference of the Parties and of its subsidiary bodies.

2. The head of the Secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The head of the Secretariat shall manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

**Rule 33**

In addition to the functions specified in the Convention, in particular in Article 24, the Secretariat shall, in accordance with the present rules:

1. Arrange for interpretation at the meeting;

2. Collect, translate, reproduce and distribute the documents of the meeting;

3. Publish and distribute the official documents of the meeting;

4. Make and arrange for keeping of sound recordings of the meeting;

5. Arrange for the custody and preservation of the documents of the meeting.

## IX. Conduct of business

**Rule 34**

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

**Rule 35**

1. The President shall not declare a session of the meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken.

2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with paragraph 2 of Article 28 of the Convention.

**Rule 36**

1. No one may address a meeting without having previously obtained the permission of the President. Subject to rules 37, 38, 39 and 41, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

**Rule 37**

The chair or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

**Rule 38**

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with the present rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

**Rule 39**

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

**Rule 40**

Proposals and amendments to proposals shall normally be introduced in writing, in one of the official languages, by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal or amendment to a proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding that session. The President may, however, permit the discussion and consideration of proposals, of amendments to proposals or of procedural motions even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day.

**Rule 41**

1. Subject to rule 38, the following motions shall have precedence in the order indicated below over all other proposals or motions:

(a) To suspend the session;

(b) To adjourn the session;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within paragraph 1 (a)–(d) of the present rule shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

**Rule 42**

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any other Party.

**Rule 43**

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover, to one speaker in favour of and two against the proposal, after which it shall be put immediately to the vote.

# X. Voting

**Rule 44**

1. Each Party shall have one vote, except as provided for in paragraph 2 of the present rule.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

**Rule 45**

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in paragraph 4 of Article 23 of the Convention or by the present rules of procedure.]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

[3. If the question arises of whether a matter is one of a procedural or substantive nature, [this matter shall be considered as a matter of substance.] [the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately [and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.]] [and the matter shall be treated as substantive unless determined to be procedural by a two-thirds majority of the Parties present and voting.]]

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

**Rule 46**

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

**Rule 47**

1. Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker.

2. If the request referred to in paragraph 1 is allowed or adopted, those parts of a proposal or of an amendment to a proposal that are approved shall then be put to a vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

**Rule 48**

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

**Rule 49**

If two or more amendments to a proposal are proposed, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the next amendment furthest removed therefrom, and so on, until all the amendments have been put to the vote. The President shall determine the order of voting on the amendments under the present rule.

**Rule 50**

1. Voting, except for elections, shall normally be by show of hands. A roll call vote shall be taken if so requested by any Party. The roll call shall be taken in the English alphabetical order of the names of the Parties, beginning with the Party whose name is drawn by lot by the President. If at

any time, however, a Party requests a secret ballot, that shall be the method of voting on the issue in question.

2. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll call.

3. The vote of each Party participating in a roll call or recorded vote shall be included in the relevant documents of the meeting.

**Rule 51**

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his or her vote on his or her own proposal or amendment, except if it has been amended.

## XI. Elections

**Rule 52**

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

**Rule 53**

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of the present rule.

**Rule 54**

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the number of places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the number of places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

## XII. Languages and sound records

**Rule 55**

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

**Rule 56**

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

**Rule 57**

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

**Rule 58**

Sound recordings of the meetings of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the Secretariat, consistent with the practice of the United Nations.

## XIII. Amendments to the rules of procedure

**Rule 59**

The present rules of procedure may be amended by consensus by the Conference of the Parties.

## XIV. Overriding authority of the Convention

**Rule 60**

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

# Annex VI

## Draft financial rules for the Conference of the Parties its subsidiary bodies and the Secretariat of the Minamata Convention on Mercury

### Scope

**Rule 1**

The present rules shall govern the financial administration of the Conference of the Parties to the Minamata Convention on Mercury, its subsidiary bodies and the Convention Secretariat. In respect of matters not specifically provided for by the present rules, the Financial Regulations and Rules of the United Nations shall apply.

### Financial period

**Rule 2**

The financial period shall be a calendar year.

### Budget

**Rule 3**

1. The head of the Secretariat of the Minamata Convention on Mercury shall prepare the budget estimates for the following biennium in United States dollars showing projected income and expenditures for each year. The budget should be presented in a programmatic format [harmonized with the format used by the secretariats of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants]. The head of the Secretariat shall dispatch the estimates, as well as the actual income and expenditure for each year of the previous biennium and estimates of actual expenditure in the current biennium, to all Parties to the Convention at least 90 days before the opening of the meeting of the Conference of the Parties at which the budget is to be adopted.

2. The Conference of the Parties shall, prior to the commencement of the financial period that the budget covers, consider the budget estimates and adopt an operational budget by consensus authorizing expenditures, other than those referred to in rule 4, paragraphs 3 and 4.

3. The head of the Secretariat shall provide the Conference of the Parties with cost estimates for actions that have budgetary implications that are not foreseen in the draft programme of work but are included in proposed draft decisions prior to the adoption of those decisions by the Conference of the Parties.

4. Adoption of the operational budget by the Conference of the Parties shall constitute authority to the head of the Secretariat to incur obligations and make payments for the purposes for which the appropriations were approved and up to the amounts so approved, provided always that, unless specifically authorized by the Conference of the Parties, commitments shall be covered by related received funds.

5. The head of the Secretariat may make transfers within each of the main appropriation lines of the approved operational budget. The head of the Secretariat may also make transfers between such appropriation lines up to [20][10] per cent [of the main appropriation line from which the transfer is made] unless another limit is set by the Conference of the Parties.

### Funds

**Rule 4**

1. A General Trust Fund for the Convention shall be established by the Executive Director of the United Nations Environment Programme and managed by the head of the Secretariat. The fund is to provide financial support for the work of the Convention Secretariat. Contributions made pursuant to rule 5, paragraph 1 (a) [and 1(b)(bis)], shall be credited to this fund. Contributions made to offset operational budget expenditures that are made pursuant to rule 5, [paragraph 1 (b), by the Government hosting the Convention Secretariat or pursuant to rule 5,] paragraph 1 (c), by the United Nations

Environment Programme shall also be credited to this fund. All budget expenditures that are made pursuant to rule 3, paragraph 4, shall be charged to the General Trust Fund.

2. Within the General Trust Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Conference of the Parties by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored to its established level as soon as possible and no later than the beginning of the following year.

3. A Special Trust Fund shall be established by the Executive Director of the United Nations Environment Programme and managed by the head of the Secretariat. This fund shall receive contributions pursuant to rule 5, paragraphs 1 (b) and (c), to support, in particular:

(a) Facilitation and promotion of technical assistance, training [and] capacity-building [including institutional strengthening][and technology transfer] in accordance with Article 14;

[(b) Participation of representatives of developing-country Parties, in particular least-developed-country Parties and small island developing States among them, and of Parties with economies in transition in the meetings of the Conference of the Parties and its subsidiary bodies pursuant to the procedure set out in the annex to the financial rules;]

(c) Other appropriate purposes consistent with the objectives of the Convention.

4. Subject to the approval of the Conference of the Parties, the Executive Director of the United Nations Environment Programme may establish other trust funds, provided that they are consistent with the objectives of the Convention.

5. In the event that the Conference of the Parties decides to terminate a trust fund established pursuant to the present rules, it shall so advise the Executive Director of the United Nations Environment Programme at least six months before the date of termination so decided. The Conference of the Parties shall decide, in consultation with the Executive Director of the United Nations Environment Programme, on the distribution of any uncommitted balances after all liquidation expenses have been met.

## Contributions

### Rule 5

1. The resources of the Conference of the Parties shall comprise:

(a) [Voluntary c][C]ontributions made each year by Parties on the basis of an indicative scale adopted by consensus by the Conference of the Parties and based on such a scale of assessments of the United Nations as may be adopted from time to time by the General Assembly, adjusted so as to ensure that no Party [is requested to] contribute[s] less than 0.001 per cent of the total, that no one contribution exceeds 22 per cent of the total and that no contribution from a least developed country Party exceeds 0.01 per cent of the total;

(b) [Voluntary c][C]ontributions made each year by Parties in addition to those made pursuant to paragraph (a) [including those made by the Government hosting the Convention Secretariat];

[(b bis) [Voluntary c][C]ontributions made by the Government hosting the Convention Secretariat]

(c) [Voluntary c][C]ontributions from States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations and other sources;

(d) The uncommitted balance of income received from previous financial periods;

(e) Miscellaneous income.

2. The Conference of the Parties shall, in adopting the indicative scale of contributions referred to in rule 5, paragraph 1 (a), make adjustments to take account of contributions of Parties that are not members of the United Nations, as well as those of regional economic integration organizations that are Parties.

3. In respect of contributions made pursuant to rule 5, paragraph 1 (a):

(a) Contributions for each calendar year are expected by 1 January of that year [and should be paid promptly and in full. Parties should be notified of the amount of their contributions for a given year by 15 October of the previous year];

(b) Each Party shall, as far in advance as possible of the date due for the contribution, inform the head of the Secretariat of the contribution it intends to make and of the projected timing of that contribution;

(c) If contributions of any Parties have not been received by 31 December of the relevant year, the head of the Secretariat shall write to those Parties to impress upon them the importance of paying their respective [contributions][arrears for prior periods and shall report to the Conference of the Parties at its next meeting on the consultations with such Parties];

[(d) The head of the Secretariat shall agree with any Party whose contributions are in arrears for two or more years on a payment schedule to permit such Party to clear all outstanding arrears within six years, depending on the financial circumstances of the Party, and to pay future contributions by their due dates. The head of the Secretariat shall report to the Bureau and to the Conference of the Parties at their next meetings on progress under any such schedule;]

[(e) Parties [that are not least developed countries or small island developing States and] whose contributions are in arrears for two or more years shall be subject to effective measures to be decided by the Conference of the Parties;]

(f) Given the importance of the full and effective participation of developing-country Parties, in particular least developed countries and small island developing States, and Parties with economies in transition, the head of the Secretariat shall remind Parties of the need for contributions to the Special Trust Fund at least six months prior to each ordinary meeting of the Conference of the Parties, reflecting on the financial need, and urge Parties in a position to do so to ensure that any contributions are paid at least three months before the meeting.

[4. Contributions made pursuant to rule 5, paragraphs 1 (b) and (c), shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention and the Financial Regulations and Rules of the United Nations, as may be agreed between the head of the Secretariat and the contributors.]

5. Contributions made pursuant to rule 5, paragraph 1 (a), from States and regional economic integration organizations that become Parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.

6. All contributions shall be paid in United States dollars or the equivalent in a convertible currency. They shall be paid into a bank account to be designated by the Executive Director of the United Nations Environment Programme in consultation with the head of the Secretariat. In conversion into United States dollars, the United Nations operational rate of exchange shall be used.

7. The head of the Secretariat shall acknowledge promptly the receipt of all pledges and contributions and shall inform the Parties by publishing on the Convention website up-to-date information on the status of pledges and payments of contributions.

8. Contributions not immediately required shall be invested [in accordance with applicable UN rules] at the discretion of the Executive Director of the United Nations Environment Programme[, in consultation with the Executive Secretary of the Convention]. [In case both are not in agreement the Executive Director shall decide the further course of action.] The resulting income shall be credited to the relevant Convention trust fund.

## Accounts and audit

### Rule 6

1. The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of the United Nations.

2. An interim statement of accounts for the financial period shall be provided to the Conference of the Parties, and a final audited statement of accounts for the full financial period shall be provided to the Conference of the Parties as soon as possible after the accounts for the financial period are closed.

3. The Conference of the Parties shall be informed of any relevant remarks in the reports of the United Nations Board of Auditors on financial statements of the United Nations Environment Programme [and remarks in reports from external audits].

## Administrative support costs

**Rule 7**

The Conference of the Parties shall reimburse the United Nations Environment Programme [an amount of [13][9] per cent of expenditure][on such terms as may from time to time be agreed between the Conference of the Parties and the United Nations Environment Programme][or in the absence of such agreement, in accordance with the general policy of the United Nations for the services provided to the Conference of the Parties, its subsidiary bodies and the Convention Secretariat from the funds referred to in rule 4, paragraphs 1, 3 and 4, on such terms as may from time to time be agreed upon between the Conference of the Parties and the United Nations Environment Programme or, in the absence of such agreement, in accordance with the general policy of the United Nations.

## Amendments

**Rule 8**

Any amendment to the present rules shall be adopted by the Conference of the Parties by consensus.

## Annex to the financial rules

**Procedure for the allocation of funding from the voluntary Special Trust Fund (SV) for facilitating the participation of Parties in meetings of the Conference of the Parties**

1. The procedure for facilitating the participation of eligible delegates in meetings under the Convention should aim at the full and active participation of developing-country Parties, in particular least developed countries and small island developing States, and Parties with economies in transition in the activities of the Convention [to improve the legitimacy of Convention decisions][to broaden the scope of experiences and information available to Convention Parties] and encourage the implementation of the Convention at the local, national, regional and international levels.

2. The procedure should give [priority][special attention] to least developed countries and small island developing States and thereafter aim at ensuring adequate representation of all eligible Parties. It should continue to be guided by established United Nations practice.

3. The Secretariat should notify Parties as soon as possible, and preferably six months in advance, of the dates and venues of meetings of the Conference of the Parties.

4. Following the dispatch of a notification that a meeting will take place, eligible Parties should be invited to inform the Secretariat, through official channels of communication, as soon as possible and no later than three months before the meeting, whether funding is requested.

5. Based on the availability of financial resources and the number of requests received, the head of the Secretariat shall prepare a list of sponsored delegates. The list shall be established in accordance with paragraphs 1 and 2 above with a view to ensuring adequate geographical representation of eligible regions, with [priority] [special attention] given to least developed countries and small island developing States.

6. The Secretariat should, four weeks in advance of the meeting, notify eligible countries that will not be sponsored, inviting them to seek other alternative sources of funding.

[7. The Executive Secretary is invited to liaise with the Executive Director of the United Nations Environment Programme with a view to ensuring a waiver of the 13 per cent programme support costs on contributions to the technical cooperation trust fund for the participation of representatives from developing countries and countries with economies in transition, with the understanding that the additional money secured will be used to enhance the representation of eligible parties.]